

SURROGATE COURT RULES
OF ONTARIO

WITH

SUCCESSION DUTY RATES AND RULES

AND

NOTES ON PRACTICE

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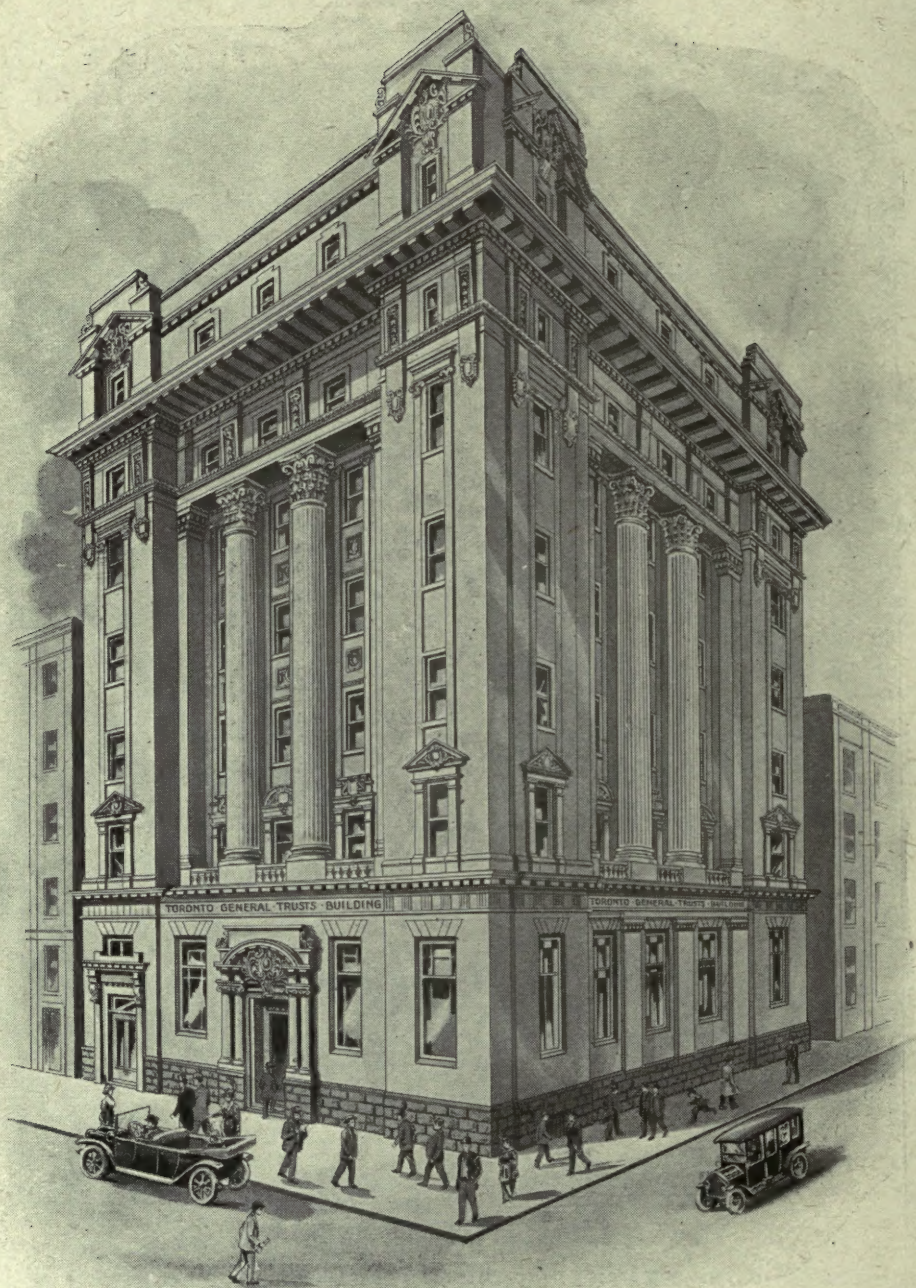
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Ontario Surrogate Court

Surrogate Court Rules of Ontario.



BY
AUTHORITY OF THE JUDGES
(IN FORCE 1st SEPTEMBER, 1916.)

WITH
NOTES ON PRACTICE

BY JOHN COWAN,
Deputy Registrar, - Surrogate Court, TORONTO

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1-0/11/21

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1916.



We, the undersigned Herbert Stone McDonald, Austin Cooper Chadwick, Alexander David Hardy, John Elley Harding, and Edward Cornelius Stanbury Huycke, being the Board of County Judges appointed and authorized to make Rules for regulating the practice and procedure in the Surrogate Courts, and to prescribe a tariff of the fees and costs to be taken by the Registrars and officers of the Surrogate Courts, and to be allowed to Solicitors and Counsel practising therein for duties and services in respect of proceedings in such courts; and to witnesses therein, have, by virtue of the powers vested in us thereby, and of all other powers enabling us in this behalf, framed the following Rules and Orders and alterations of the Tariffs, and do hereby certify the same under our hands to their Lordships the Judges authorized to make Rules under Section 109 or Section 110 of the Judicature Act, according to the provisions of the Surrogate Courts Act

Dated the Thirty-first day of May, A.D. 1916.

HERBERT S. McDONALD, Chairman,
Leeds and Grenville.
A. C. CHADWICK,
Wellington.
A. D. HARDY,
Brant.
J. E. HARDING,
Victoria.
E. C. S. HUYCKE,
Peterborough.

I, William Ralph Meredith, Knight, Chief Justice of Ontario, do certify that at a meeting of the Judges authorized to make Rules under the Judicature Act, the Rules for regulating practice and procedure in the Surrogate Courts, and the Tariffs and the fees and costs to be taken by the Registrars and Officers of the Surrogate Courts and to be allowed solicitors and counsel practising therein, for duties and services in respect of proceedings in such Courts and to witnesses therein, certified by the County Judges and hereunto annexed, were approved and allowed.

AS WITNESS my hand and the seal of the Supreme Court of Ontario hereunto affixed this 26th day of June, 1916.

W. R. MEREDITH,
C. J. O.

THE SURROGATE COURT RULES OF THE PROVINCE OF ONTARIO

Prepared by the Board of County Judges under Section 79
of The Surrogate Courts Act

—and—

Approved by the Judges of the Supreme Court

APPLICATIONS FOR PROBATE, ADMINISTRATION OR GUARDIANSHIP

1. Every application for Probate or Administration or Guardianship shall be by petition prepared, signed, and presented by the applicant or his solicitor.

2. The petition shall set forth the facts which are necessary and upon which the applicant relies for a grant, and shall show separately the value of the real property and of the personal property which will be affected by the grant; and all such facts, including the statement of value, shall be verified upon oath.

3. No probate or letters of administration with the will annexed, shall issue until after the lapse of seven days from the death of the testator, and no letters of administration shall issue until after the lapse of fourteen days from the death of an intestate, unless by the direction of the Judge.

4. If two or more applications for a grant are made the Judge shall determine upon a Summary Application which shall prevail.

5.—(1) On an application for probate or for administration with the will annexed the due execution of the will shall be proved by one of the subscribing witnesses, but if it be shown that the subscribing witnesses are dead, or if from other circumstances an affidavit cannot be obtained from either of them, the due execution of the will may be established by other evidence.

(2) If the testator executed the will making his mark, the proof shall show that before its execution the will was read over to him and that he had a knowledge of its contents and appeared to perfectly understand the same.

6. The will shall be marked as an exhibit to the affidavit of the applicant, and shall be identified by his signature, and also be marked as an exhibit to the affidavit proving due execution.

7. Where in a will there appear interlineations, alterations, erasures, or obliterations, which have not been duly attested or initialled by the subscribing witnesses, such interlineations, alterations, erasures or obliterations shall not be regarded or included in the probate unless it is shown that they existed in the will before its execution, or have been rendered valid by republication of the will or by the subsequent execution of a codicil thereto.

8. In all cases in which words have been erased or obliterated which might have been of importance, or where the appearance of the will is such as to indicate an attempted cancellation by burning, tearing or the like, or where any suspicious circumstances exist, probate shall not be granted until all such matters have been explained to the satisfaction of the Judge.

9.—(1) Where the circumstances appear to justify the direction the Judge may require that proof shall be made in Solemn Form.

(2) Where probate or letters of administration with the will annexed are sought of a will which has been lost or destroyed the proof shall be made in Solemn Form.

10.—(1) Upon an application for letters of administration to the estate of an intestate it must be shown that search for a will has been made in all places where the deceased usually kept his papers, and in his depositories.

(2) A certificate by the Registrar that no will has been deposited in his office shall also be filed.

11.—(1) Subject to Section 54 of the Surrogate Courts Act, upon an application for letters of administration the names and kinship of those having a prior superior right to a grant must be shown, and it must be shown that every person entitled in priority has consented or renounced, or a citation shall be served upon any who have not so consented or renounced, calling upon them to show cause why administration should not be granted to the person applying therefor.

(2) When for any reason the Judge deems it proper, he may direct notice to be given to, or consent to be obtained from any one or more of the next of kin equally entitled to administration.

(When application is made by one who is not one of next-of-kin, see Section 38 of the Act.)-

12. Where there are no known next-of-kin, notice shall be given to the Attorney-General, and shall be published in such newspapers as the Judge may direct. (See Section 38.)

13.—(1) Upon an application for probate or for letters of administration with the will annexed where probate or administration with the will annexed has been granted by a Court of any foreign country, if the probate or letters of administration have been granted by the Court of the country in which the deceased was domiciled, and the estate in Ontario consists of personalty only, ancillary letters shall issue upon proof that the foreign executor or administrator is by the law of the domicile entitled to receive such personal estate, and upon filing an inventory as required by Section 58 of the Surrogate Courts Act.

(2) Where there is real estate in Ontario it shall be shown that the will was executed in manner and form sufficient to pass real estate in Ontario.

(3) An exemplification of the foreign probate or letters of administration with the will annexed shall be filed, and the production of the original will shall not be necessary.

(See as to security to be given Sections 23 and 62 of the Act.)

SECURITY TO BE GIVEN.

14. The security to be given by administrators, foreign executors and guardians shall be by the bond of a Guarantee Company or by personal bond in the appropriate form with due affidavits of execution and justification to the satisfaction of the Judge, who may, if he deem

it necessary require the personal attendance of the sureties before him for examination.

(As to Guarantee Companies, see R.S.O., chapter 190.)

15.—(1) The sureties in administration and guardianship bonds (when not a Guarantee Company) shall justify to an amount or amounts which in the aggregate shall equal the amount of the penalty in the bond.

(2) Where the property is under the value of \$400, one surety shall be sufficient, but where the property is of greater value at least two sureties shall be required unless the Judge otherwise directs.

(3) No Surrogate Clerk, Registrar or Solicitor shall become surety to any such bond.

16.—(1) Any person interested in an estate may file a memorandum requiring notice to be given to him of the consideration of the bond, and he shall then be served with an appointment to inquire into its sufficiency.

(2) The Judge may, if he disallows the bond, permit a new bond to be filed, but shall not allow the grant to issue until satisfied that adequate security has been furnished.

17. If the Judge has reason to believe that the property of the deceased, or of the ward, exceeds in value the sum stated by the applicant, he may enquire into the same in a summary way, and determine the amount of security to be given.

18. Where a grant has already issued, and it is shown to the satisfaction of the Judge that the sureties are not sufficient, he may direct the guardian, administrator, or foreign executor to furnish further security, and in default may revoke or suspend the operation of the grant.

INTERVENTION.

19.—(1) Any person interested may intervene by filing a notice (Form 42) and an affidavit showing the nature of his interest and serving a copy thereof upon the applicant.

(2) Notice of all proceedings thereafter shall be given to the person so intervening.

CAVEATS.

20. At any time before grant is sealed any person interested in an estate may by a caveat filed in the office of the Surrogate Clerk, if no certificate under Section 41 of the Surrogate Court Act has been forwarded, or in the office of the Registrar require that nothing shall be done with reference to the estate of the deceased without notice being first given to him or his solicitor.

21. If the caveat is filed in the office of the Surrogate Clerk he shall transmit a copy of it to the Registrar with his certificate under Section 41 of the Surrogate Court Act, and such caveat shall thereupon be deemed to be filed with the Registrar.

22. Notwithstanding the filing of a caveat, an application may be made for a grant, and notice of the application may be sent to the Surrogate Clerk, but no further proceedings shall be taken upon such application without notice being given to the person filing the caveat, unless he consents, until the caveat has been removed.

23.—(1) The party filing a caveat must declare therein the nature of his interest in the property of the deceased, and state generally the grounds upon which he enters the caveat, and the caveat shall be signed by the party or by his solicitor on his behalf, and an address shall be given where service may be effected.

(2) The caveat shall be accompanied by an affidavit of the person filing it or of some person on his behalf showing the nature of his interest and that the caveat is not entered for the purpose of delay nor to embarrass any person interested in the estate.

24. A caveat shall remain in force for six months and no longer, and shall then expire and be of no effect. A new caveat may be filed from time to time.

25.—(1) When a caveat is filed vexatiously the Judge may order it to be vacated.

(2) Upon an application to vacate a caveat the Judge may give all directions necessary for a speedy trial.

26.—(1) Where any application for probate or administration is made and a caveat has been or is thereafter, at any time before grant is sealed, filed, the Registrar shall send a warning to the person who entered the caveat, by registered post, addressed to him at the place named in the caveat.

(2) Such warning shall state the nature of the application made and give the name and address of the applicant, and, if a will is propounded, give the date of the will, and shall call upon the person entering the caveat to enter an appearance in seven days if he desires to contest the application.

DIRECTIONS FOR TRIAL IN CONTENTIOUS CASES.

27. If an appearance is entered, an application shall be made to the Judge for directions as to the mode of determining the question between the parties, and upon this application the Judge shall add all necessary parties, and where necessary direct the service of a citation upon them, and determine whether production of documents and discovery are necessary, and shall give all necessary directions concerning the same, and when all parties have been notified or are represented, shall settle the issues to be tried and fix the time for and the mode of trial.

PARTIES WHERE PROOF IN SOLEMN FORM OR UPON CONTENTION.

28.—(1) Upon an application for proof of a will in Solemn Form, or for revocation of a probate, or where in any proceedings the validity of a will is disputed, the Judge shall direct that all persons having an interest in upholding or attacking the validity of the will shall be made parties to the proceeding.

(2) Such parties shall be served with a citation calling upon them to enter an appearance and warning them that in default they will be bound by the result of such proceedings as may be taken in their absence.

(3) All parties entering an appearance shall be served with notice of the application for directions concerning trial.

(See Supreme Court Rules 75-77, as to Class Representation.)

CITATION TO ACCEPT PROBATE.

29.—(1) Where an Executor fails to bring in a will for probate, any person interested may cite the executor to accept or refuse the probate and execution of the will, or to show cause why letters of administration with the will annexed should not be granted to the applicant or to such other person having the prior right thereto as may be willing to accept the same.

(2) No such citation shall issue till after the lapse of fourteen days from the testator's death.

CITATION TO BRING IN WILL.

30. Where it is suggested that any testamentary document is in the custody of any person a citation may be issued to such person, calling upon him to deposit in the office of the Registrar any testamentary document in his possession or control, or to state under oath that no such document is in his possession or control.

31.—(1) Where there is reason to suppose that any person has knowledge of any testamentary document, a subpoena may by leave of the Judge be served on such person, calling upon him to attend at a time and place to be named, and to submit to be examined touching the same.

(2) If any person so served fails to attend, or refuses to be sworn or to answer any proper questions put to him he shall be guilty of contempt.

CITATION WHERE INTESTACY.

32. When upon an intestacy letters of administration have not been issued any person interested may before himself applying for grant cite those having a prior right to accept or refuse administration, and in default of application being made by them, he may file his own petition and proofs.

ORDER TO BRING IN GRANT FOR REVOCATION.

33. Where it is sought to revoke a grant a citation may issue calling upon the person in whose favour the grant has been made to bring the same into the Registrar's Office, and pending the determination of such proceedings, the person holding the grant shall not act thereunder without the leave of the Judge.

GUARDIANSHIP.

34. Upon an application for guardianship there shall be shown the names of the parents, and their place of abode, the time of their death if they be dead, the names, ages and places of abode of the infants, the relationship of the applicant to them, the value of the real and personal property of the infants, and the annual value of the same, with particulars thereof, and such other proof as the Judge may require.

35. A caveat against the grant of letters of guardianship may be filed, and the practice in respect to the same shall conform as nearly as may be to the practice in the case of caveats against the grant of probate.

PASSING OF ACCOUNTS.

36. Executors, administrators, trustees under a will and guardians of infants may voluntarily pass their accounts, or they may be called upon to do so on the application of any person interested therein.

(See R.S.O., cap. 121, sec. 25 and 67.)

37.—(1) The petition, inventories and accounts duly verified by affidavits shall be filed with the Registrar, and thereupon the Judge shall fix a time and place for the passing of the accounts.

(2) The Judge shall give all necessary directions for the service of his appointment, and, if he deems it proper, for the service of a copy of the accounts upon those interested therein.

(3) Where an infant or person of unsound mind who has no committee, or absentee is concerned, notice shall be given to the Official Guardian, and he shall be informed of the name and interest of the infant, person of unsound mind or absentee, and be given the address of the person with whom the infant, or person of unsound mind resides, and such information as can be given concerning the absentee.

(4) When a person of unsound mind has a committee, notice shall be given the committee. (See R.S.O., cap. 295, sec. 40, as to insane persons in asylums.)

(5) The accounts shall be passed before the Judge in Chambers.

38.—(1) The accounts shall contain a true and perfect inventory of the whole property in question, and shall include:—

(I) An account showing of what the original estate consisted.

(II) An account of all moneys received.

(III) An account of all moneys disbursed.

(IV) An account of all property remaining on hand.

(V) Such other accounts as the Judge may require.

(2) When by the will or instrument creating any trust estate, principal and income are dealt with separately, the accounts shall be divided so as to show receipts and disbursements in respect of principal and income separately.

39. Upon the passing of the accounts the Judge may fix the compensation or allowance to be made to the executors, administrators, trustees under a will, or guardians, for their care, pains, trouble, and time expended in and about the estate, trust or guardianship.

40. Upon passing accounts the Judge may moderate any bill of costs and charges of solicitors employed by the executors, administrators, trustees, or guardians, or refer the same for taxation, under the Solicitors Act.

41. Every order made upon passing accounts shall be made in duplicate, and one of such duplicates shall be filed with the Registrar, who shall enter the same in full in a book to be kept for that purpose.

WILLS DEPOSITED FOR SAFE KEEPING.

42. Every will deposited for safe keeping shall be enclosed in an envelope, securely sealed, upon which shall be endorsed the name and address of the testator, and of the executor or executors, and the Registrar shall mark thereon a memorandum showing the date of deposit and from whom received.

43. Where a will is deposited for safe keeping by a person other than the testator, there shall be deposited with it his affidavit stating that the will is in the same plight, state and condition as when received by him from the testator.

44.—(1) A will deposited for safe keeping shall not during the testator's lifetime be removed from the office of the Registrar, nor copied nor inspected, except by the testator in person, or by the order of the Judge, by a solicitor acting under the written authority of the testator, which authority shall be verified by the affidavit of the solicitor, and shall be filed.

(2) After the decease of the testator, the will shall be delivered to the executor upon his personal application, or to such other person as the Judge may direct. The Registrar shall take a receipt for the will, and retain a copy of it, compared and certified by him.

45. An affidavit proving the due execution of the will may be deposited with it, and in such case no further affidavit need be furnished upon the application for probate thereof, unless required by the Judge.

THE REGISTRAR'S DUTIES.

46. Every Registrar shall keep his office open on such days and during such hours as the office of the Clerk of the County Court is required to be kept open.

47. The Registrar shall keep such books as are required by the Inspector of Legal Offices.

48. All communications by the Registrar to the Surrogate Court Clerk shall be by registered letter.

49. The fees payable to the Judge, and Registrar, and postage, shall be paid to the Registrar by the party on whose behalf the proceedings are had, at the time proceedings are taken. All fees payable to the Crown shall be paid in law stamps affixed to the paper at the time and duly cancelled. No grant shall be issued until the fees are paid.

50. Upon an application for probate or letters of administration on receipt of the certificate from the Surrogate Clerk, the Registrar shall forthwith apply to the Judge for directions

51. The Registrar shall properly number and endorse the date of receipt of all applications for the grant of probate or administration received by him in the order in which they are received, and an entry thereof shall be made in the book to be kept for that purpose, with a number prefixed to correspond with the number on the application.

52. Every Registrar shall number, endorse and enter all caveats lodged with him in the same manner as provided in respect to applications for grants.

53. The Registrar shall endorse the date of receipt upon all papers filed with or received by him, and enter a note thereof, and of every proceeding in the proper books.

54. Every Order made in Chambers shall be signed by the Judge, and except where required to be copied in full, the Registrar shall make a note of such Order in a book to be kept by him.

55. A citation shall be by an order to be granted ex parte by the Judge, upon an affidavit showing the facts upon which the citation is founded.

56. Every judgment shall be signed by the Registrar, and issued by him under the seal of the Court, and shall be entered in full in the book to be kept for that purpose.

57. All grants of probate, administration or guardianship shall be signed by the Registrar, and issued under the seal of the Court, and any copy of a will, forming part of or attached to the grant shall be authenticated by the signature of the Registrar, and the grant and copy of the will shall be recorded in the proper register.

58. Upon the revocation of any grant of probate, administration or letters of guardianship, an entry thereof shall be made by the Registrar across the face of the grant recorded in the Registry, in the following form, "Revoked by Judge's Order, dated the day of A.D. ."

59. The Registrar shall enter every bond, with the affidavits of justification and execution, in full, in a book to be kept for that purpose.

60. The costs of proceedings in the Surrogate Court shall be taxed by the Registrar, subject to appeal to the Judge.

61. The list of grants of probate and administration, and of revocations thereof, required under the Surrogate Courts Act to be sent by Registrars to the Surrogate Clerk, are to contain in each case the full name, residence and addition of the deceased, the time of his death, date of the grant, name, residence and addition of executor and administrator, and nature of the grant, and shall also state the amount of the estate as given in the application.

THE SURROGATE CLERK.

62. The Surrogate Clerk shall extract from the lists furnished to him, the particulars of each grant, and shall enter a note of the same, placing it in its alphabetical order under the first letter of the surname of the testator, intestate or infant, in the book to be kept by him for that purpose, and shall also note in such book every revocation notified to him; and all lists, copies of will, returns of revocations, and papers received by the Surrogate Clerk shall be filed and endorsed in like manner as is provided in respect to notices of application for grant.

63. The duties of the Surrogate Clerk in respect to matters and causes testamentary, so far as may be applicable, shall be performed by him in respect to applications for letters of guardianship and in relation to guardianship business.

FORMS.

64. The forms contained in the appendix hereto shall be used so far as they may be applicable. (See Interpretation Act, sec. 28.)

THE SHERIFF.

65. The Sheriff and Crier shall attend the trial of all contested matters.

TARIFFS.

66.—(1) Registrars shall be entitled to the fees prescribed in the tariff "A."

(2) Solicitors and Counsel shall be entitled to the fees and costs prescribed in the tariff "B."

(3) Witnesses shall be entitled to the same fees and conduct money as are allowed in the County Court.

(4) The Sheriff and Crier shall for all services performed by them be entitled to the same fees as are allowed in the County Court.

REPEAL, etc.

67. All Rules heretofore passed are rescinded.

68. Where no provision is made in these Rules or in the Rules of the Supreme Court, and no analogy can be found therein, the practice shall be as in the Probate Division of the High Court in England. (See sec. 30 of the Surrogate Courts Act.)

69. These Rules shall come into effect on the First day of September, A.D. 1916.

SURROGATE COURT TARIFF.

(Tariff A.—Registrars' Fees.)

The following shall be the tariff of fees to be taken by the Registrars of the Surrogate Court for duties and Services in respect of business in the said Court:—

Number:

1. For services rendered under Section 73, ss. 1 and 3 of the Surrogate Courts Act, 1910, where the value of the property does not exceed \$400	(See that section.)
2. Receiving and examining papers and entering application	\$1 00
3. Every necessary notice to Surrogate Clerk	25
4. Return of each grant to Surrogate Clerk	25
5. Receiving and entering certificate of Surrogate Clerk...	25
6. Recording every bond with affidavits of justification and execution	1 00
7. Recording each additional separate affidavit of justification or execution if more than one of each, per folio	10
8. (a) On every grant of letters probate or letters of administration or guardianship where the personal property devolving is under \$1,000	1 00
(b) \$1,000 and under \$2,000	2 00
(c) and for every additional \$1,000 or fraction thereof (not exceeding in the whole \$30.00)	1 00
9. Submitting papers with the Registrar's report thereon to Judge to lead grant	50
10. Recording grants or other instruments or letters of guardianship, per folio	10
11. (a) For preparing probate or letters of administration or guardianship, issued under the seal of the Court	1 00
(b) Where estate is over \$2,000	2 00
(c) Where estate is over \$10,000	5 00
12. Transcript of will per folio	10
13. Certified copy of will (including certificate), per folio	10
14. (a) Drawing special orders or other papers when directed by the Judge	50
(b) If exceeding three folios, per folio on the excess....	10
15. Taking every affidavit or administering oath to a witness	20
16. Attending and entering every order or minute	50
17. Every summons or order and every instrument or other process under seal, not otherwise provided for, if prepared by the Registrar, per folio, including fee for sealing	20
18. Search for original will or instrument and inspection, or for general search into proceedings	30
19. Every other search	20
20. Every necessary certificate granted by Registrar	50
21. (a) Exemption under seal	1 00
(b) If exceeding five-folios, per folio on the excess	10

22. For every office or other copy or extract of a minute, order, decree or other document filed or deposited in the office of the Registrar or of any evidence or depositions, whether such copy or extract be made by the Registrar or by any other person searching the original, per folio	10
23. For receiving for deposit the will of a living person for safe keeping, including giving a deposit receipt and keeping a record of the deposit	1 00
24. Issuing every subpoena	50
25. Every necessary letter	25
26. Every necessary filing	10
27. Receiving, examining and entering every petition or application for audit or passing of accounts or contestation of claim	50
28. Attending audit or contestation of claim	1 00
29. Attending upon the trial of any contentious case	2 00
30. Filing vouchers, if directed by the Judge or requested by any party to be filed (not exceeding in all \$1.00) each....	10
31. Entering order or judgment if required to be entered and upon any citation	50
32. Taxing costs and granting certificate	1 00
33. Receiving, entering and filing caveat or contestation of grant, and on a warning to a caveat and on an appearance thereto	50
34. Notice to Surrogate Clerk of Caveat or of contestation of grant, and entering same	50
35. Where in a contentious case an examination is had, the same fees are allowed as in the County Court.	
36. Upon a writ of execution or renewal	1 00
37. Upon an appeal to the Supreme Court, the same fees as upon an appeal from the County Court.	
38. Postage and other necessary disbursements to be added in all cases.	

TARIFF B.

Fees and Costs to Solicitors and Counsel.

The following shall be the tariff of fees and costs to be allowed in respect of proceedings in non-contentious cases to solicitors and counsel, viz. :—

1. Drawing all necessary papers and proofs to lead grant and obtaining order for probate or letters of administration, in ordinary cases, and taking out same:	
(a) When the value of the property devolving is \$1,000 or under	\$10 00
(b) Over \$1,000 and not exceeding \$5,000	15 00
(c) Over \$5,000 and not exceeding \$10,000	20 00
(d) Over \$10,000 and not exceeding \$20,000	30 00
(e) Over \$20,000 and not exceeding \$50,000	50 00
(f) Over \$50,000 and not exceeding \$100,000	75 00
(g) Over \$100,000	100 00
2. In cases of temporary administration	10 00
(a) On application to revoke any grant	10 00
(To be increased in the discretion of the Judge in cases of a special or important nature, subject to approval by a Judge of the Supreme Court upon a report from the Judge.)	
3. For obtaining letters of guardianship	10 00
(To be increased in the discretion of the Judge in cases of a special or important nature, subject to approval by a Judge of the Supreme Court upon a report from the Judge.)	

4. Drawing the necessary affidavits, inventories and schedules under the Succession Duty Act:

(a) Short form, where the aggregate value of the property does not exceed \$5,000 \$ 5 00

(b) Above \$5,000, where no duty is payable 10 00

(To be increased in the discretion of the Judge in cases of a special nature, subject to approval by a Judge of the Supreme Court upon a report from the Judge.)

(c) Where duty is payable, in addition to the foregoing fees, for preparing proofs for succession duty, for all services settling with the Solicitor to the Treasury the amount of duty payable and attending to payment or to securing payment (by bond or otherwise) of same 20 00

(To be increased in the discretion of the Judge in cases of a special nature, subject to approval by a Judge of the Supreme Court upon a report from the Judge.)

5. On preparing petition, affidavits, accounts and all other necessary papers and services in auditing and passing of accounts of an executor, administrator, guardian or trustee, and including the fixing of the remuneration of such executor, administrator, guardian or trustee:

(a) Where the receipts do not exceed \$2,000 25 00

(b) Where the receipts exceed \$2,000 but do not exceed \$5,000 30 00

(c) Where the receipts exceed \$5,000 but do not exceed \$10,000 40 00

(d) Where the receipts exceed \$10,000 but do not exceed \$20,000 50 00

(e) Where the receipts exceed \$20,000 but do not exceed \$50,000 75 00

(f) Where the receipts exceed \$50,000 but do not exceed \$100,000 100 00

(Any of the preceding fees, in cases of an important nature, may be increased by the Judge, but such increase shall be subject to approval by a Judge of the Supreme Court upon a report from the Judge.)

(Where the receipts exceed \$100,000, the fees shall be such as the Judge deems fair and proper. His order allowing the same shall be subject to the approval by a Judge of the Supreme Court upon a report from the Judge.)

6. To solicitors for other parties (including the Official Guardian) properly attending on audit of accounts, a fee may be allowed in the discretion of the Judge, not exceeding in the whole one-half of the above amounts and subject to increase with approval of a Judge of the Supreme Court upon report from the Judge.

7. In all contentious cases and proceedings not hereinbefore provided for, the same fees as are provided for in proceedings in the County Court, so far as the same may be applicable, may be charged and allowed on taxation. (In special cases where the estate is over \$10,000 an increased counsel fee may be allowed by the Judge subject to the approval of a Judge of the Supreme Court.)

8. In addition to the foregoing fees and costs there shall be allowed all proper disbursements made by the solicitor in connection with the foregoing matters.

9. In contentious cases, where it has been proved to the satisfaction of the Judge that proceedings have been taken by solicitors out of Court to expedite proceedings, save costs, or compromise actions or disputes, a fee may be allowed therefor in the discretion of the Judge.

FORMS.

1. APPLICATION FOR PROBATE IN COMMON FORM BY A SOLE EXECUTOR.

Unto the Surrogate Court of the County of
in the Estate of C. D., deceased.

The petition of A. B., of the _____ of _____, in
the County of _____, (occupation),
Sheweth,

(1) That C. D., late of the _____ of _____, in the
County of _____, (occupation), deceased, died on or
about the _____ day of _____, A.D. 19____, at _____,
in, etc., and that the said deceased at the time of his death, had his
fixed place of abode at _____, in the said County of _____,
["or had no fixed place of abode in Ontario" (or "resided out of Ontario")
"but had at such time property in the said County of _____"].

(2) That the said deceased in his lifetime duly made his last will
and testament, bearing date the _____ day of _____ 19____,
[and codicil (or codicils), bearing date the _____ day of _____,
A.D. 19____].

(3) That your petitioner is the executor named in the said will
(or codicil).

(4) That the value of the whole property of the said deceased which
he in any way died possessed of or entitled to, and for and in respect
to which probate of the said will (and codicil) is to be granted, is
dollars.

(5) That the value of the personal estate and effects is
dollars, and of the real estate is _____ dollars, and that full par-
ticulars and an appraisalment of all said property are exhibited herewith
and verified upon oath.

Wherefore your petitioner prays that probate of the said will (and
codicil) of the said deceased may be granted to him.

Dated the _____ day of _____, A.D. 19____.

A. B. (or)

A. B. by his solicitor, E. F.

2. APPLICATION FOR GRANT OF ADMINISTRATION WITH THE WILL ANNEXED IN COMMON FORM, WHERE NO EXECUTORS APPOINTED.

Same as No. 1, save that for Clause (3) substitute

(3) That no executor is named in the said will (or codicil). That
your petitioner is the residuary legatee (or as the case may be) named
in the said will (or codicil).

3. APPLICATION FOR GRANT WHERE EXECUTOR HAS RENOUNCED PROBATE OR RESIDUARY LEGATEE HAS RENOUNCED ADMINISTRATION WITH WILL ANNEXED.

Same as in No. 1, save that for Clause (3) substitute.

(3) That E. F., of _____, the executor (or residuary legatee,
etc.) named in the said will, has by deed duly renounced all right and
title to the probate and execution of the said will (and codicil, if any)
(or letters of administration to the estate and effects of deceased).

That your petitioner is (state character in which applicant claims).

4. APPLICATION FOR GRANT OF ADMINISTRATION.

Unto the Surrogate Court of the County of
 In the estate of C. D., deceased.
 The petition of A. B., of the Town of _____, in the County
 of _____ (occupation),
 Sheweth,

(1) That C. D., late of the _____ of _____, in the County
 of _____ (occupation), deceased, died on or about the
 day of _____, A.D. 19____, at _____, in (etc.), and that
 the said deceased at the time of his death had his fixed place of abode
 at _____, in the said County of _____, [or "had no fixed
 place of abode in Ontario" (or "resided out of Ontario"), "but had at
 such time property in the said County of _____"].

(2) The deceased left no will, codicil, or testamentary paper
 whatever.

(3) The deceased left him surviving the following next of kin and
 heirs at law (here give the names, addresses and relationship).

(4) Your petitioner claims to be entitled to administration of the
 estate as (here state the grounds of the applicant's right).

(5) That the value of the whole property of the said deceased, which
 he in any way died possessed of or entitled to, is _____ dollars.
 That the value of the personal estate and effects is _____ dollars,
 and of the real estate is _____ dollars, and full particulars and an
 appraisement of all said property are exhibited herewith and verified
 upon oath.

(6) Wherefore your petitioner prays that administration of the
 property of the said deceased may be granted and committed to her.

Dated the _____ day of _____, A.D. 19____.

A. B. (or _____)

A. B., by her solicitor, E. F.

5. NOTICE TO BE TRANSMITTED BY REGISTRAR OF A SURROGATE
 COURT TO THE SURROGATE CLERK OF APPLICATION MADE
 TO SUCH COURT FOR A GRANT OF PROBATE TO EXECUTOR.

In the Surrogate Court of the County of _____

In the estate of _____

To the Surrogate Clerk:

Take notice that application has been made to this Court for a
 grant of probate of the will bearing date the _____ day of _____,
 A.D. 19____, [and codicil (or codicils), bearing date the _____ day of _____,
 A.D. 19____], of _____, late of _____ in this
 County, deceased (occupation), who died on or about the _____ day of _____,
 A.D. 19____, having at the time of his death a fixed place
 of abode at _____, in this County _____ [or "no fixed place
 of abode in Ontario," (or "resided out of Ontario"), "but having at such
 time property in this County _____, by A. B., of _____, in the
 County of _____, the executor named in
 the said will (or codicil).

The estate is valued at \$ _____ personalty and \$ _____ realty.

Application received the } Registrar of the said Court.
day of 19 }

This notice mailed the _____ day of _____ 19 .

6. NOTICE TO BE TRANSMITTED BY REGISTRAR OF A SURROGATE COURT TO THE SURROGATE CLERK, FOR GRANT OF ADMINISTRATION WITH THE WILL ANNEXED WHERE NO EXECUTOR APPOINTED.

In the Surrogate Court of the County of _____

In the Estate of _____

To the Surrogate Clerk:

Take notice that application has been made to this Court for a grant of letters of administration with the will and codicil (or codicils) annexed, the said will bearing date the _____ day of _____, A.D. 19 _____, [and the said codicil (or codicils), bearing date the day of _____, A.D. 19 _____], of _____, late of _____, in this County, _____, deceased, who died on or about the day of _____, A.D. 19 _____, having at the time of his death a fixed place of abode at _____, in this County [or "no fixed place of abode in Ontario" (or "resided out of Ontario"), "but having at such time property in this County], by A. B., of the _____ of _____, in the County of _____, the residuary legatee (or as the case may be), named in the said will (or codicil) (or by J. P., the solicitor of A. B., the residuary legatee named in the said will or codicil), no executor having been named in said will (or codicil).

The estate is valued at \$ _____ personalty, and \$ _____ realty.

Application received this } Registrar of the said Court.
day of 19 }

This notice mailed the _____ day of _____ 19 .

7. NOTICE TO BE TRANSMITTED BY REGISTRAR OF A SURROGATE COURT TO THE SURROGATE CLERK OF APPLICATION FOR GRANT WHERE EXECUTOR HAS RENOUNCED PROBATE OR RESIDUARY LEGATEE HAS RENOUNCED ADMINISTRATION WITH WILL ANNEXED.

In the Surrogate Court of the Co nty of _____

In the Estate of _____

To the Surrogate Clerk:

Take notice, that application has been made to this Court for a grant of letters of administration with the will and codicil (or codicils) annexed, the said will bearing date the _____ day of _____, A.D. 19 _____, [and the said codicil (or codicils), bearing date the day of _____, A.D. 19 _____], of _____, late of _____, in this County, _____, deceased, who died on or about the day of _____, A.D. 19 _____, having at the time of his death a fixed place of abode at _____, in this County [or "no fixed place of abode in

Ontario" (or "resided out of Ontario"), but having at such time property in this County"], by A. B., of the , of , in the County of , the residuary legatee (or as the case may be), named in the said will (or-codicil), E. F., of the of , in the County of , the executor (or residuary legatee, etc.) named in the said will, having renounced all right to the probate and execution of the said will, and codicil (if any) or to letters of administration to the property of the said deceased.

The estate is valued at \$ personalty and \$ realty.

Application received this }
day of 19 } Registrar of the said Court.

This notice mailed the day of 19 .

8. NOTICE OF APPLICATION FOR GRANT OF ADMINISTRATION.

In the Surrogate Court of the County of

In the Estate of

To the Surrogate Clerk:

Take notice, that application has been made to this Court for a grant of letters of administration of the property of , late of the of , in this County, deceased, who died intestate on or about the day of , A.D. 19 , having at the time of his death a fixed place of abode at in this County [or "no fixed place of abode in Ontario" (or "resided out of Ontario"), "but having at such time property in this County, and who left him surviving the following heirs at law and next of kin (give names, addresses and relationships), by A. B., one of the said next of kin (or as the case may be).

The estate is valued at \$ personalty and \$ realty.

Application received this }
day of 19 } Registrar of the said Court.

This notice mailed the day of 19 .

9. CERTIFICATE BY THE SURROGATE CLERK UPON NOTICE OF APPLICATION FOR GRANT.

Office of the Surrogate Clerk.

In the estate of , deceased, named in a certain notice of application to the Surrogate Court of the County of for grant of probate (or administration, as the case may be), dated the day of , 19 , and described therein as , late of , (etc., copy from application).

I, the undersigned, the Surrogate Clerk, do hereby certify that no notice of application, in respect to the property of the said deceased, has been received by me from any of the Registrars of the Surrogate Court in Ontario, save the above [or if another notice has been received, add "and a certain other notice of application from the Registrar of the Surrogate Court of the County of , dated the day of , etc., for a grant of the probate of the will bearing date, etc. (or as in the notice of application)].

And I further certify that no caveat or copy of caveat against the grant of probate or administration of the property of the said deceased has been lodged with or received by me [or if caveat or notice of caveat has been lodged or received, instead of the above, say "and I further certify that a caveat (or copy of a caveat) in the property of the said deceased, has been lodged with (or received by) me on the day of , etc., a copy of which is hereunto annexed"].

.....
Surrogate Clerk.

Dated the day of , A.D. 19 .

10. AFFIDAVIT UPON APPLICATION FOR PROBATE.

In the Surrogate Court of the County of

In the Estate of C. D., deceased.

I. A. B., of the of , in the County of ,
make oath and say:

(1) The instrument now produced and shown to me and marked as exhibit "A" to this my affidavit, is to the best of my knowledge and belief the last will and testament of the said deceased. (If codicils, produce and identify them.)

(2) I am one of the executors (or the executor) named in the said will (or codicil) and am of the full age of twenty-one years.

(3) The said deceased died on or about the day of , A.D. 19 , at , and the said deceased, at the time of his death had his fixed place of abode at , in the said County of , [or "had no fixed place of abode in Ontario (or "resided out of Ontario"), "but had at such time property in the said County of ."],

(4) That the value of the whole property of the said deceased which he in any way died possessed of or entitled to is the sum of dollars, consisting of dollars personalty and dollars realty, full particulars of which are shown in the inventories and appraisal exhibited herewith and identified by my signature.

(Signature of Executor.)

Sworn at , in the County of ,
 , the day of ,
A.D. 19 , before me

11. INVENTORY OF REAL ESTATE.

In the Surrogate Court of the County of

In the Estate of , deceased.

Inventory and valuation of the real estate of the said deceased.
 General description of property. Market value or amount.

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(Signature of Executor or Administrator.)

12. INVENTORY OF PERSONAL ESTATE.

In the Surrogate Court of the County of

In the Estate of _____, deceased.

Inventory and valuation of the property of the said deceased.

General description of property. Value or amount.

Clothing and jewellery Household goods and furniture Farming implements, etc. Stock-in-trade Horses Horned cattle Sheep and swine Book debts and promissory notes Moneys secured by mortgage Money secured by life insurance Bank stock and other stocks Securities for money Cash on hand Cash in bank Farm produce of all kinds Other personal property not before mentioned (if any) Real estate		
--	--	--

(Signature of Executor or Administrator.)

13. AFFIDAVIT OF EXECUTION OF WILL OR CODICIL.

In the Surrogate Court of the County of

In the Estate of A. B., deceased.

I, C. D., of the _____ of _____, in the County of
 (description) _____, make oath and say:

(1) That I knew A. B., late of the _____ of _____, in
 the County of (description) _____, deceased.

(2) That on or about the _____ day of _____, A.D. 19 _____, I was personally present and did see the paper writing hereunto annexed and marked as exhibit "A," to this affidavit, executed by the testator, as the same now appears, as and for his last will and testament, by signing his name (or making his mark, as the case may be), at the foot or end thereof.

(3) That the said will was so executed by the said testator in the presence of myself and of E. F., of the _____ of _____, in the County of _____, (description), who were both present at the same time; whereupon the said E. F. and I did, in the presence of the testator, attest and subscribe the said will as witnesses.

(If deceased was a marksman or blind, add):

(4) That previously to the execution of the said will by the testator, the same was read over to him by me (or by _____, as the case may be in my presence), and the testator at such time seemed thoroughly to understand the same (or had full knowledge of the contents thereof.)

Sworn at _____, in the County of _____,
the _____ day of _____,
A.D. 19 _____, before me

14. OATH OF EXECUTOR.

In the Surrogate Court of the County of _____

In the Estate of _____, deceased.

I, _____ of the _____ of _____, in the County of _____, make oath and say:

(1) I am of the full age of twenty-one years, my place of residence and occupation are above correctly stated.

(2) I am the sole executor (or one of the executors) of the said _____

(3) I do solemnly and sincerely promise and swear that I will faithfully administer the property of the said testator, by paying his just debts and legacies, so far as the same will thereunto extend and the law bind me, and by distributing the residue (if any) of the property according to law; and that I will exhibit under oath a true and perfect inventory of all and singular the property of the testator, and render a just and full account of my executorship when lawfully required.

Sworn at _____, in the County of _____,
the _____ day of _____,
A.D. 19 _____, before me

15. AFFIDAVIT OF SEARCH FOR WILL (WHEN NOT INCLUDED IN ADMINISTRATOR'S OATH).

In the Surrogate Court of the County of _____

In the Estate of C. D., deceased.

I, A. B., of the _____ of _____, in the County of _____, make oath and say, that I am the party applying for administration of the property of the said C. D., late of the _____, in the County _____

of _____, deceased. That I have made (or have caused to be made), diligent and careful search in all places where the deceased usually kept his papers, and in his depositories, in order to ascertain whether the deceased had or had not left any will, but that I have been unable to discover any will, codicil, or testamentary paper, and I verily believe that the deceased died without having left any will, codicil or testamentary paper whatsoever.

Sworn at _____, in the County of _____,
the _____ day of _____,
A.D. 19 _____, before me

16. AFFIDAVIT OF PLIGHT AND CONDITION AND FINDING WHEN NECESSARY UNDER RULES 7 AND 8.

In the Surrogate Court of the County of _____

In the Estate of _____, deceased.

I, A. B., etc., make oath and say, that I am an executor named in the paper writing now hereunto annexed, purporting to be and contain the last will and testament of C. D., late of, etc., deceased, who died on or about the _____ day of _____, at _____ and had at the time of his death a fixed place of abode at _____ in the said County (or as the case may be), the said will bearing date the _____ day of _____, beginning thus _____ ending thus _____, and being subscribed thus "C. D.," and having viewed and perused the said will, and particularly observed that (here recite the finding of the said will and the various alterations, erasures and interlineations (if any), and the general plight and condition of the will, or any other matter requiring to be accounted for, and clearly trace the will, from the possession of the deceased in his lifetime, up to the time of making the affidavit;) I, _____ lastly make oath that the same is now in all respects in the same state, plight and condition as when _____ (as the case may be).

A. B.

17. OATH OF ADMINISTRATOR WITH WILL.

In the Surrogate Court of the County of _____

In the Estate of _____ deceased.

I, _____, of the _____ of _____, in the County of _____, make oath and say:

(1) That I am of the full age of twenty-one years, my place of residence and occupation are above correctly stated.

(2) That I believe the paper writing (or the paper writings) hereto annexed marked with the letter "_____" to contain the true and original last will and testament and codicil (or codicils) of _____, late of the _____, of _____, in the County of _____, who died on or about the _____ day of _____, 19 _____, at _____, in the County of _____, and who at the time of death had a fixed place of abode at _____, in the County of _____.

(3) That the executor therein named is dead, not having taken out probate, or has renounced all right and title to the probate and execution of the said will, (or, as the fact may be), and that I am the residuary legatee named therein (or, as the fact may be).

(4) The value of the whole property of the said deceased which he in any way died possessed of or entitled to is the sum of _____ dollars, consisting of _____ dollars personalty and _____ dollars realty, full particulars of which are shown in the inventories and appraisement exhibited herewith and identified by my signature.

(5) I will faithfully administer the property of the said deceased, according to the tenor of his will (or will and codicils), by paying his just debts and legacies contained in his will (or will and codicils), so far as the same shall thereto extend and the law bind me, and by distributing the residue (if any) of the property according to law, and that I will exhibit under oath a true and perfect inventory of all and singular the property of the said testator, and render a just, full and true account of my administration when lawfully required.

Sworn, etc.

18. OATH OF ADMINISTRATOR.

In the Surrogate Court in the County of _____

In the Estate of _____, deceased.

I, _____, of the _____ of _____, in the County of _____, make oath and say:

(1) That I am of the full age of twenty-one years, and that my place of residence and occupation are above correctly stated.

(2) That _____, late of the _____ of _____, in the County of _____, deceased, who died on or about the _____ day of _____, 19____, at _____, in the County of _____, and who at the time of death had a fixed place of abode at _____, in the County of _____, died a bachelor, without leaving parent, brother, sister, uncle, aunt, nephew or niece (as the case may be), and intestate.

(3) I am the lawful cousin-german and one of the next of kin of the deceased (alter in accordance with the circumstances of the case).

(4) The value of the whole property of the said deceased which he in any way died possessed of or entitled to is the sum of _____ dollars, consisting of _____ dollars personalty and _____ dollars realty, full particulars of which are shown in the inventories and appraisement exhibited herewith and identified by my signature.

(5) I will faithfully administer the property of the deceased by paying his just debts and distributing the residue (if any) of his property according to law, and that I will exhibit under oath a true and perfect inventory of all and singular the property of the said deceased and render a just, full and true account of my administration when thereunto lawfully required.

Sworn, etc.

19. NOMINATION OF ADMINISTRATOR.

In the Surrogate Court of the County of _____

In the estate of A. B., late of the _____ of _____ in the County of _____,

Whereas, the said A. B. died on the _____ day of _____, A.D. 19____, intestate, and the undersigned are his lawful widow and his next of kin (or as the case may be).

We do nominate and appoint _____ to apply in _____ for a grant to (him or them) of administration of the property of _____

Witness my hand this _____ day of _____ A.D. 19 ____ . In the presence of _____ C.B.

The above may be varied so as to apply to a grant of administration with the will annexed. (Affidavit of Execution to be attached or endorsed).

20. CERTIFICATE OF REGISTRAR.

In the Surrogate Court of the County of _____ In the estate of _____, deceased.

I, A. B., the Registrar of the Surrogate Court of the County of _____, do hereby certify: That search has been made in the office of the Registrar of this Court for any will or testamentary paper executed by the above-named _____, deceased, that no such will or testamentary paper is in said office, nor has any such will or testamentary paper been deposited with me as such Registrar for safe keeping.

Dated at _____ the _____ day of _____, 19 ____ } _____ Registrar.

21. RENUNCIATION OF PROBATE OR OF ADMINISTRATION WITH THE WILL ANNEXED.

In the Surrogate Court in the County of _____

Whereas, A. B., late of _____, in the County of _____, deceased, died on or about the _____ day of _____, 19 ____ , and had at the time of his death a fixed place of abode at _____, in the said County of _____, and whereas he made and duly executed his last will and testament, bearing date the _____ day of _____, 19 ____ , and thereof appointed C.D. executor (or as the case may be), as I am informed and believe.

Now I, the said C. D., do hereby expressly renounce all my right and title to the probate and execution of the said will (and codicils, if any), of the said deceased.

In witness whereof I have hereunto set my hand and seal, this _____ day of _____, 19 ____ . Signed, sealed and delivered in the presence of E. H. _____ } C. D. (Seal).

Note.—The above form may be varied when the renunciation is by the widow or other person entitled to administration with the will annexed. In each case there must be an affidavit of execution.

22. RENUNCIATION OF ADMINISTRATION.

In the Surrogate Court of the County of _____

Whereas, A. B., late of the _____ of _____, in the County of _____, deceased, died on or about the _____ day of _____, 19 ____ , intestate (a widower), and had at the time of his death a fixed place of abode at the _____ of _____, in the said County of _____, and whereas I, C. D., of the _____

of _____, in the County of _____, _____, am his lawful
and his only next of kin (to be varied according to the
facts).

Now I, the said C. D., do hereby expressly renounce all my right
and title to letters of administration of the property of the said deceased.

In witness whereof I have hereunto set my hand and seal, this
day of _____, 19 _____.

Signed, sealed and delivered _____ } C. D.
in the presence of E. H. _____ } (Seal).

23. ADMINISTRATION BOND.

Know all men by these presents that we, A. B., of the
of _____, in the County of _____, C. D., of
the, etc., and E. F., of the, etc., are jointly and severally bound unto
G. H., the Judge of the Surrogate Court of the County of _____,
in the sum of _____ dollars, to be paid to the said G. H., or the
Judge of the said Court for the time being; for which payment, well
and truly to be made, we bind ourselves and each of us for the whole,
our and each of our heirs, executors and administrators, firmly by these
presents. Sealed with our seals. Dated the _____ day of _____,
in the year of our Lord, 19 _____.

The condition of this obligation is such, that if the above-named
A. B., the administrator of all the property (or as the case may be),
of _____, late of the _____ of _____, in the County
of _____, deceased (who died on or about the _____ day
of _____, 19 _____) do, when lawfully called on in that behalf,
make or cause to be made a true and perfect inventory of all the
property of the said deceased, which has or shall come into the hands,
possession, or knowledge of the said A. B., or into the hands or
possession of any other person or persons for him, and the same so
made do exhibit or cause to be exhibited into the Registry of the
Surrogate Court of the County of _____, when thereunto
lawfully required, and the same property, and all other property of
the said deceased at the time of his death, which at any time after
shall come into the hands or possession of the said A. B., or into the
hands or possession of any other person or persons for him, do well
and truly administer according to law: (that is to say) do pay the
debts which the said deceased did owe at his decease, and further, do
make, or cause to be made, a true, just and full account of the said
administration, when thereunto lawfully required, and all the rest and
residue of the said property do deliver and pay unto such person or
persons respectively, as shall be entitled thereto; and if it shall here-
after appear that any last will or testament was made by the deceased,
and the executor or executors therein named do exhibit the same unto
the said Court, making request to have it allowed and approved ac-
cordingly, if the said A. B., being thereunto required, do render and
deliver the said letters of administration (approbation of such testament
being first had and made), in the said Court; then this obligation to
be void and of no effect, or else to remain in full force and virtue.

Signed, sealed and delivered in the presence of _____ } [L. S.]
_____ } [L. S.]
_____ } [L. S.]

**24. ADMINISTRATION BOND FOR ADMINISTRATION WITH WILL
ANNEXED.**

Know all men by these presents that we, A. B., of the
of _____, in the County of _____, _____, C. D., of

the, etc., and E. F., of the, etc., are jointly and severally bound unto G. H., the Judge of the Surrogate Court of the County of _____ in the sum of _____ dollars, to be paid to the said G. H., or the Judge of the said Court for the time being, for which payment well and truly to be made, we bind ourselves and each of us for the whole, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals. Dated the day of _____, in the year of our Lord, 19 _____.

The condition of this obligation is such, that if the above-named A. B., the administrator of all the property (or as the case may be), of _____, late of the _____ of _____, in the County of _____, deceased, who died on or about the day of _____, A.D. 19 _____, do, when lawfully called on in that behalf, make or cause to be made a true and perfect inventory of all and singular the property of the said deceased which has or shall come into the hands, possession, or knowledge of the said A. B., or into the hands or possession of any other person or persons for him, and the same so made do exhibit or cause to be exhibited into the Registry of the Surrogate Court of the County of _____, when thereunto lawfully required, and the same property and all other property of the said deceased at the time of his death, which at any time after shall come into the hands or possession of the said A. B., or into the hands or possession of any other person or persons for him, do well and truly administer according to law; that is to say, do pay the debts which the said deceased did owe at his decease, so far as such property shall thereunto extend and the law bind him; and further do make or cause to be made, a true, just and full account of his said administration when thereunto lawfully required, and all the rest and residue of the property, shall deliver and pay unto such person or persons as shall be by law entitled thereto, then this obligation to be void and of no effect, or else to remain in full force and virtue.

Signed, sealed and delivered in the presence of _____

{ [L. S.]
[L. S.]
[L. S.]

25. AFFIDAVIT OF EXECUTION OF BOND.

In the Surrogate Court in the County of _____

In the estate of A. B., deceased.

I, _____, of the _____ of _____, in the County of _____, make oath and say:

(1) That I was personally present and did see the within (or annexed) bond duly executed, signed and sealed by A. B., C. D., and E. F., the parties therein named.

(2) That I know the said parties so executing.

(3) That the said bond was so executed by the said parties at the _____ of _____, in the County of _____

(4) That I am subscribing witness to the said execution. (If any of the parties are marksmen add:)

(5) That before execution the said bond was read over and explained to the said _____, who appeared perfectly to understand the same and made his mark thereto in my presence.

Sworn at _____, in the County of _____
of _____, the _____ day of _____
A.D. 19 _____, before me.

} A. B.

Persons authorized to administer oaths under the Act.

Affidavits of execution of renunciation, nomination, consent or other documents requiring proof will be in the same form, naming the instrument, and leaving out the word "sealed."

26. BOND OF FOREIGN EXECUTORS.

Know all men by these presents that we, A. B., of the
of _____ in the County of _____, C. D., of the,
etc., and E. F., of the, etc., are jointly and severally bound unto G. H.,
the Judge of the Surrogate Court of the County of _____, in
the sum of _____ dollars, to be paid to the said G. H., or the
Judge of the said Court for the time being, for which payment well
and truly to be made, we bind ourselves and each of us for the whole,
our and each of our heirs, executors and administrators, firmly by these
presents. Sealed with our seals. Dated the _____ day of _____,
in the year of our Lord, 19 _____.

The condition of this obligation is such, that if the above-named
A. B., the executor of the last will and testament of _____,
late of the _____ of _____, in the County of _____,
deceased, (who died on or about the _____ day of _____,
19 _____), do, when lawfully called on in that behalf, make or cause
to be made a true and perfect inventory of all the property of the
said deceased, which has or shall come into the hands, possession
or knowledge of the said A. B., or into the hands or possession of
any other person or persons for him, and the same so made do exhibit
or cause to be exhibited into the Registry of the Surrogate Court of
the County of _____, when thereunto lawfully required,
and the same property, and all other property of the said deceased at
the time of his death, which at any time after shall come into the hands
or possession of the said A. B., or into the hands or possession of any
other person or persons for him, do well and truly administer according
to law; (that is to say), do pay the debts which the said deceased did owe
at his decease, and further, do make, or cause to be made, a true, just
and full account of his executorship, when thereunto lawfully required,
and all the rest and residue of the said property to deliver and pay unto
such person or persons as shall be entitled thereto; then this obligation
to be void and of no effect, or else to remain in full force and virtue.

Signed, sealed and delivered in the presence of

[L. S.]
[L. S.]
[L. S.]

27. AFFIDAVIT OF JUSTIFICATION BY SURETIES.

In the Surrogate Court of the County of _____
In the estate of _____ deceased.

We, C. D., of the _____ of _____, in the County of _____
(Yeoman), and E. F., of the _____ of _____,
in the County of _____, Esquire, severally make oath and say
that we are the proposed sureties on behalf of the intended administrator
of the property (or as the case may be) of _____
deceased, in the within bond named, for the faithful administration
of the said property (or as the case may be) of the said deceased;
and I, the said C. D., for myself make oath and say that I reside at
the _____ of _____, in the County of _____,
and am worth property to the amount of _____ dollars over
and above all encumbrances, and over and above what will pay my
just debts and every sum for which I am now bail, or for which I

am liable as surety or endorser or otherwise; and I, the said E. F., for myself make oath and say that I reside at the _____ of _____, in the County of _____, and am worth property to the amount of _____ dollars over and above all encumbrances, and over and above what will pay my just debts and every other sum for which I am now bail or for which I am liable as surety or endorser or otherwise.

The above-named deponents, C. D., and E. F., }
 were severally sworn before me the } C. D.
 day of _____, A.D. 19 _____, at the } E. F.
 of _____, in the County of _____

Person authorized to administer oath under the Act.

28. PROBATE.

Canada:
 Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Be it known, that on the _____ day of _____, A.D. 19 _____, the last will and testament (or the last will and testament with codicils) of _____, late of the _____ of _____, in the County of _____, who died on or about the day of _____, A.D. 19 _____, at _____, and who at the time of his death had a fixed place of abode at _____, in the said County of _____, [or "had no fixed place of abode in Ontario" (or "resided out of Ontario,"), "but had at such time property in the said County of _____,"], was proved and registered in the said Surrogate Court, a true copy of which said last will and testament is hereunto annexed (or true copies of which said last will and testament, and codicil, are hereunto annexed), and that administration of all and singular the property of the said deceased, and in any way concerning his will (and codicil), was granted by the aforesaid Court to _____, of the _____ of _____, in the County of _____, the sole executor (or as the case may be), named in the said will (or codicil), he having been first sworn well and faithfully to administer the same by paying the just debts of the deceased, and the legacies contained in his will (or will and codicils), so far as he is thereunto bound by law, and by distributing the residue (if any), of the property according to law, and to exhibit under oath a true and perfect inventory of all and singular the said property, and to render a just and full account of his executorship when thereunto lawfully required.

Witness His Honour (here insert the name of Judge), Judge of the said Surrogate Court at the _____ of _____, in the County of _____, the day and year first above written.

By the Court.

(Seal).

A. B.
 Registrar.

29. LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

Canada:
 Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Be it known, that _____, late of the _____ of _____,

in the County of _____, deceased, who died on or about the _____ day of _____, 19____, at _____ and who at the time of his death had a fixed place of abode at the _____ of _____, in the said County of _____, [or "had no fixed place of abode in Ontario," (or "resided out of Ontario,")], but had at such time property in the said County of _____, made and duly executed his last will and testament (with _____ codicils), and did therein name _____, of the _____ of _____, in, etc., _____, executor thereof (or named no executor therein), a true copy of which said last will and testament is hereunto annexed (or true copies of which said last will and testament, and _____ codicils, are hereunto annexed); and be it further known that on the _____ day of _____, A.D. 19____, letters of administration, with the said will (and codicils) annexed, of all and singular the property (or, as the case may be if grant limited), of the said deceased, were granted by the Surrogate Court of the County of _____, to _____, of the _____ of _____, in the County of _____, (insert the character in which the grant is taken, and if executor renounced, state it), he, the said _____ having previously been sworn well and faithfully to administer the same according to the tenor of the said will, by paying the just debts of the deceased, and the legacies contained in his will (or will and codicil), so far as the same shall thereunto extend and the law bind him, and by distributing the residue (if any), of the property according to law, and to exhibit under oath a true and perfect inventory of all and singular the property of the said deceased and to render a just and full account of his administration when thereunto lawfully required.

Witness His Honour (here insert name of Judge), Judge of the said Surrogate Court at the _____ of _____, in the said County of _____, the day and year first above written.

By the Court.

(Seal).

A. B.

Registrar.

30. LETTERS OF ADMINISTRATION.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Be it known, that on the _____ day of _____, A.D. 19____, letters of administration of all and singular the property (or as the case may be if grant limited) of _____, in the County of _____, who died on or about the _____ day of _____, 19____, at _____, intestate, and had at the time of his death a fixed place of abode at the _____ of _____, in the said County of _____ [or "had no fixed place of abode in Ontario"] (or "resided out of Ontario"), but had at such time property in the County of _____, were granted by the Surrogate Court of the County of _____, to _____, of the _____ of _____, in the County of _____, the widow (or as the case may be) of the said intestate, she having been first sworn faithfully to administer the same by paying his just debts, and distributing the residue (if any) of his property according to law, and to exhibit under oath a true and perfect inventory of all and singular the said property, and to render a just and full account of her administration when thereunto lawfully required.

Witness His Honour (here insert name of Judge), Judge of the said Surrogate Court at the _____ of _____, in the said County of _____, the day and year first above written.

By the Court.

(Seal)

A. B.
Registrar.

31. EXEMPLIFICATION OF PROBATE OR LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Be it known, that upon search being this day made in His Majesty's Surrogate Court of the County of _____, it plainly appears that on the _____ day of _____, A.D. 19____, the last will and testament (with codicils) of _____, late of the _____ of _____ in the County of _____, deceased, who died at _____ on or about the _____ day of _____, 19____, and had at the time of his death a fixed place of abode at the _____ of _____ in the said County of _____ (or as the case may be), was proved by _____ of the _____ of _____, in the County of _____, the executor therein named [or that on the _____ day of _____, A.D. 19____, letters of administration with the last will and testament (and codicils) annexed of the property of _____, late of, etc., were granted to _____ of the _____ of _____ in the County of _____] and which said probate (or letters of administration) now remains of record in the said Surrogate Court. The true tenor of the said probate (or letters of administration with the will annexed) is in the words following, to wit (here the probate or letters of administration, with copy of will, are to be recited verbatim).

In faith whereof these letters testimonial are issued.

Given at the _____ of _____, in the County of _____, this _____ day of, etc.

.....
Registrar of the Surrogate Court of the County of _____

(Seal)

32. CITATION TO PARTIES CONCERNED.

In the Surrogate Court of the County of _____

In the Estate of _____

To E. F., of (etc.), _____ Greeting.

Whereas an application has been made in this Court for probate of an alleged will of the above-named A. B., bearing date the _____ day of _____, 19____ * (and whereas the validity of the said will has been brought into question by C. D., of _____, one of the next of kin of the deceased, who opposes the granting of probate thereof, and whereas it is desirable that the validity of the alleged will should be determined once for all after notice to all concerned in the said estate):

You are therefore required to enter an appearance in the office of the Registrar of this Court, at the Court House at _____, within ten days after service upon You of this citation, inclusive of the day of service, if you desire to take part in the determination of this question.

In event of your failing to enter an appearance you will have no further notice of those proceedings, and the validity of the will in question will be determined in your absence and you will be bound thereby.

The alleged will may be seen at the office of the Registrar.

Dated the _____ day of _____, A.D. 19 _____.

M. N.
Judge.

*If no contest, and proof in solemn form alone is sought, omit this clause.

33. APPEARANCE.

In the Surrogate Court of the County of _____

In the Estate of A. B., deceased.

I, C. D., of the _____ of _____, (occupation), desire to contest the validity of the alleged will of the above named A. B., propounded for probate by E. F., and say that it should not be admitted to probate, for the following reasons (here state reasons, e.g., that it was not duly executed, or that the alleged signature is not the signature of the said A. B., or that the execution of the said will was procured by fraud and undue influence, or that at the time of the making of the said will the said A. B. had not testamentary capacity, or as the case may be).

My address for service is _____

Dated the _____ day of _____, A.D. 19 _____.

C. D. (or)

C. D., by X. Y., his solicitor.

34. ORDER ON MOTION FOR DIRECTIONS.

In the Surrogate Court of the County of _____

In the goods of A. B., deceased.

His Honour
in Chambers

_____ day, the _____ day of
19 _____

Upon the application of C. D., who has propounded for probate an alleged will, purporting to have been made by the said A. B., on the _____ day of _____ 19 _____, in the presence of counsel for E. F., who has filed a caveat, and, upon being warned, has entered an appearance thereto, and it appearing that G. H. and H. H. are also next of kin of the said A. B., and that M. D. and N. D. are interested under the said will and that the aforementioned persons are all those

interested in either attacking or upholding the validity of the said alleged will, I caused citation to be served upon them and the said M. D. and N. D. having entered an appearance and having been notified of the motion and the said G. H. and H. H. not having appeared;

I do order that the said C. D. do attend and submit to an examination for discovery at such time as may be appointed during the week commencing _____ on service of two days' notice of the appointment upon his solicitor and upon payment of \$ _____ conduct money.

*

And I do direct that the issues to be tried be as follows:

(1) The said C. D., and M. D., and N. D. affirm and the said E. F. denies that the said will was duly executed by the said A. B.

(2) The said E. F. affirms and the said C. D. and the said M. D. and N. D. deny that the making of the said will was procured by the fraud and undue influence of the said C. D. (etc., etc., as the case may be).

And I direct that the said issues shall be tried before me without a jury at the Court House at _____, on the _____ day of _____, 19____, at _____ A.M. (or P.M.).

*Here insert an order for production of papers or any further direction found necessary.

35. CAVEAT.

In the Surrogate Court of the County of _____

In the estate of A. B., deceased.

Let nothing be done in the Estate of A. B., of _____, in the _____ of _____, without notice to E. F., of _____ in the County of _____

The said E. F. is (state relationship and interest in the estate).

This Caveat is entered for the reason (state the reason, e.g., The said deceased was at the time of his death without testamentary capacity, or the said E. F. has reason to fear and does fear that the said A. B. was procured to make a will by undue influence and fraud).

Dated the _____ day of _____, A.D. 19____.

 E. F.
 Address for service.

36. AFFIDAVIT TO ACCOMPANY CAVEAT.

In the Surrogate Court of the County of _____

In the estate of _____, deceased.

I, C. D., of the _____ of _____, in the County of _____, make oath and say:

(1) That I am (state nature of deponent's interest in estate).

(2) That the caveat that is filed or to be filed by me in this matter is not entered for the purpose of delay nor to embarrass any person interested in the estate.

Sworn, etc.

37. WARNING TO CAVEAT.

In the Surrogate Court of the County of

In the estate of A. B., deceased.

To E. F., Greeting.

Whereas you by your caveat required notice to be given to you of any application that might be made in the matter of this Estate,

You are now warned that on the _____ day of _____, 19____, C.D., of the _____ of _____, filed in this Court a petition asking (state nature of application and if probate is sought, give date of will).

You are therefore warned that unless you cause an appearance to be entered hereto within ten days from this date, stating your desire to contest such application, and the nature of your objection thereto, such application will be dealt with without further notice to you, and you will be regarded as assenting thereto.

Your appearance must be entered at my office in the Court House at _____, on or before the _____ day of _____, 19____.

M. N.,
Registrar.

Dated the _____ day of _____, A.D. 19____.

38. CITATION TO BRING IN A TESTAMENTARY PAPER.

In the Surrogate Court of the County of

In the Estate of A. B., deceased.

To E. F., of the _____ of _____, Greeting.

Whereas it is alleged by _____, of the _____ of _____, that a testamentary document signed by A. B., of the _____ of _____, who died on or about the _____ day of _____, 19____, is in the possession of you, the above named E. F.

You are therefore ordered and directed to bring into the office of the Registrar of this Court, at the Court House, in the _____ of _____, and there leave any testamentary paper signed by the said A. B., which is now in your possession, power or control, within _____ days after service of this citation upon you.

In event of no such document being now in your possession, power and control you are within the same time to file in the said office an affidavit to that effect and setting forth what knowledge, if any, you may have, respecting any testamentary paper signed by the said A. B.

Herein you fail at your peril.

Dated at _____ this _____ day of _____, 19 _____
.....
Judge.

39. CITATION TO ACCEPT OR REFUSE PROBATE.

In the Surrogate Court of the County of _____
In the Estate of A. B., deceased.

Whereas A. B., of the _____ day the _____ day of _____, 19 _____
of _____, died on or about the _____ day of _____
A.D. 19 _____, having made his last will and testament dated the _____
day of _____, A.D. 19 _____, and having appointed C. D., of
the _____ of _____, in the County of _____,
executor thereof.

It is ordered that the said C. D. do within _____ days after
the service hereof upon him, accept or refuse probate of the said will,
or show cause why letters of administration with the said will annexed
should not be granted to E. F. of the _____ of _____ in
the County of _____, (description).

And it is ordered that in default of the said C. D. accepting and
extracting probate of the said will within the time above mentioned,
the said E. F. may proceed to obtain letters of administration with the
will annexed to be granted to him.

Date, etc.

.....
Judge.

40. CITATION TO ACCEPT OR REFUSE ADMINISTRATION.

In the Surrogate Court of the County of _____
In the estate of A. B., deceased.

Whereas A. B., of the _____ day, the _____ day of _____, A.D. 19 _____
of _____, died on the _____ day of _____,
A.D. 19 _____, intestate, leaving C. D., E. F., and G. H. (giving names,
residences and relationship).

And whereas J. K., of the _____ of _____, in the County
of _____ (description), is one of the persons entitled in
distribution of the estate of the said A. B. (or alleges that the said
J. K. is a creditor of the said A. B.).

It is ordered that the said C. D., E. F., and G. H., do, within
days after the service hereof enter an appearance in the office of the
Registrar of this Court at _____ and accept or refuse letters
of administration of the estate of the deceased, or show cause why
letters of administration should not be granted to the said J. K.

And it is ordered that, in default of the said C. D., E. F., or G. H.,
or some of them, so appearing and accepting and extracting such letters
of administration within the time above mentioned, the said J. K. may
proceed to obtain letters of administration of the said estate.

Dated, etc.

.....
Judge.

41. CITATION TO BRING IN GRANT WHERE REVOCATION IS SOUGHT.

In the Surrogate Court of the County of
In the estate of

Whereas an application has been made for the Revocation of a Grant of Probate (or letters of administration), issued on the day of , etc., to C. D., of the of in the County of , as executor of the will of A. B., of the of , in the County of , or as administrator of the estate of, etc.).

It is ordered that the said C. D. do, within days after the service hereof upon him, bring into and leave with the Registrar the aforesaid Grant, there to remain until such application is determined.

Dated, etc.

.....
Judge.

42. INTERVENTION.

In the Surrogate Court of the County of
In the estate of A. B., deceased.

Take notice that I, C. D., of the of , a of the above-named desire notices to be given to me of all proceedings in connection with his estate.

My address for service is No. Street , (or service may be effected upon by Mr. X. Y., my solicitor at his office No. Street .).

Dated the day of A.D. 19 .
C. D. (or)
C. D. by X. Y., his solicitor.

43. AFFIDAVIT ON INTERVENTION.

In the Surrogate Court of the County of
In the estate of A. B., deceased.

I, C. D., of the of , in the County of (occupation), make oath and say:

I am (state nature of deponent's interest in the estate).

I desire to intervene in the matter solely for the purpose of protecting my interest and in good faith, and not for the purpose of delay or from any improper motive.

Sworn, etc.

44. APPLICATION FOR LETTERS OF GUARDIANSHIP BY ONE OF THE NEXT OF KIN OF INFANT CHILDREN OF A DECEASED WIDOWER.

Unto the Surrogate Court of the County of
The Petition of A. B., of the of , in the County of

Sheweth:

That C. F., late of the of , in the County of , (description), died on or about the day of A.D. 19 , at the of , in the

County of That the said deceased died a widower (as the case may be), leaving E. F., and G. F., his natural and lawful children, who both reside at the of, in the County of That the said E. F. is an infant of years of age, and the said G. F. is an infant of years of age. That the said C. F. died intestate (or as the case may be), and without having appointed a guardian of the said infants. That H. F., the lawful mother of said infants, resides at (or is dead, as the case may be). That the value of the property to which the said infants are entitled is about dollars, and under dollars; that the value of the personal estate to which the said infants are entitled is about dollars and under dollars, and of the real estate to which they are entitled is about dollars, and that the annual value of the said real estate is about dollars, and that full particulars of both said personal estate and of said real estate and an appraisement thereof are exhibited herewith and are verified upon oath.

That due notice has been given of your petitioner's intention to apply to be appointed guardian, and that the petitioner is the (state relationship if any).

Therefore, your petitioner prays that he may be appointed guardian of the persons and estates of the said infants.

Dated at, etc., the day of A.D. 19

A. B.

(Or if signed by solicitor, A. B. by his solicitor, J. P.).

45. ELECTION BY MINORS OF A GUARDIAN.

In the Surrogate Court of the County of

Whereas A. B., late of the of, in the County of, deceased, died on or about the day of, 19, at, in, etc., intestate, a widower (or widow), leaving C. D., E. F., and G. H., his lawful children, the said C. D. being a minor of the age of twenty years only, and the said E. F., being also a minor of the age of nineteen years only, and the said G. H. being an infant of the age of six years only.

Now we, the said C. D., and E. F., do hereby make choice of and elect K. L., of the of, in the County of (description), to be our guardian.

In witness whereof we have hereunto set our hands this day of, A. D. 19

Signed in the presence
of

Note.—An affidavit of execution required.

46. OATH OF GUARDIAN.

In the Surrogate Court of the County of

In the matter of the guardianship of the infant child (or children) of C. F., deceased.

I, A. B., of the of, in the County of, make oath and say that my name, place of abode and occupation are above correctly stated, and that I am of the full age of twenty-one years.

(1) That I am the person applying to be appointed the guardian of E. F., the infant child (or as the case may be) of C. F., deceased, in his lifetime of the _____ of _____, in the County of _____, who died on or about the _____ day of _____, 19 _____.

(2) I do solemnly and sincerely promise and swear that I will, if I am appointed such guardian, faithfully perform the trust of guardianship, and that I will, when my said ward becomes of the full age of twenty-one years, or whenever the said guardianship is determined, or sooner if thereunto required by this Court, render to my said ward, or to his executors or administrators, a true, just and full account of all goods, moneys, interest, rents, profits, property or other estate of my said ward, which shall have come into my hands, or possession or under my control, and will thereupon without delay deliver and pay over to my said ward, or to his executors or administrators the estate or the sum or balance of money, which may be in my hands or possession or under my control, belonging to my said ward, deducting therefrom and retaining such reasonable sum for my expenses and charges as shall upon an audit of my accounts be allowed by the Court.

Sworn, etc.

A. B.

47. AFFIDAVIT IN SUPPORT OF APPLICATION FOR GUARDIANSHIP.

In the Surrogate Court of the County of _____

In the matter of the guardianship of E. F., and G. E., of the _____ of _____, etc.

I, A. B., of the _____ of _____, in the County of _____, make oath and say:

(1) That the father of the said infant was E. F., who resided at _____ of _____, etc., and died on or about the _____ day of _____ A.D. 19 _____.

(2) That the mother of the said infant resided (or resides, as the case may be), at the _____ of _____, etc. (If dead, state the date, etc.).

(3) That the value of the real estate to which the said infant is (or as the case may be), entitled is _____ dollars, and the annual value thereof is _____ dollars or thereabouts.

(4) That the value of the personal estate to which the said infant is entitled (or are, as the case may be), is _____ dollars.

(5) That full particulars of the said real and personal property to the best of my knowledge and belief, are shown in the appraisement herewith exhibited and identified by my signature.

(6) That the name of the said infant is _____, and he resides at the _____ of _____ of _____, in the County of _____, and his age is _____ years, or thereabouts, to the best of my knowledge, information and belief.

(7) That I am the _____ (state relationship, if any, as the case may be), of the said infant.

(8) That I am the person applying for letters of guardianship.

Sworn, etc.

A. B.

48. BOND TO BE GIVEN BY GUARDIANS.

Know all men by these presents, that we, A. B., of the _____ of _____, in the County of _____, K. L. of _____ of _____, in the County of _____,

and M. N., of the _____ of _____, in the County of _____, are held and firmly bound unto R. F. and G. F., of the _____ of _____, in the County of _____, the infant children of C. F., late of the _____ of _____, in the County of _____, deceased, and to each and every of them in the sum of _____ dollars, to be paid to the said E. F., and G. F., their and each of their executors, administrators and assigns, for which payment to be well and truly made, we do bind ourselves and each and every of us, our and every of our executors and administrators firmly by these presents; Sealed with our seals. Dated the _____ day of _____, in the year of our Lord 19 _____.

Whereas, the said A. B., being appointed guardian of the person and estate of the said infants by the Surrogate Court of the County of _____, according to the Statute in that behalf, is required to give security for the performance of the said trust.

Now the condition of this obligation is such, that if the above bounden A. B., shall faithfully perform the said trust, and he or his executors or administrators shall, when the said infants respectively become of the full age of twenty-one years, or whenever the said guardianship shall be or is determined, or sooner if thereunto required by law, render to each of the said infants, or to their respective executors or administrators, a true, just and full account of all goods, moneys, interest, rents, profits, property or other estate of the infants, which shall have come into the hands of the said A. B., and will thereupon, without delay, deliver and pay over to each and every of the said infants or to their executors or administrators, the estate or the sum which may be in the hands of him, the said A. B., belonging to the said infants, deducting therefrom and retaining a reasonable sum for the expenses and charges of him, the said A. B., then this obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in the presence of	}	A. B.	(L. S.)
		K. L.	(L. S.)
		M. N.	(L. S.)

49. AFFIDAVIT OF JUSTIFICATION BY SURETIES.

In the Surrogate Court of the County of _____

In the matter of the guardianship of the infant child (or children) of A. B., deceased.

We, K. L., of the _____ of _____, in the County of _____, and M. N., of the _____ of _____, in the County of _____, severally make oath and say: That we are the proposed sureties on behalf of the intended guardian of the infant child (or children) of A. B., deceased, who died on or about the day of _____, 19 _____, in the within (or annexed) bond named, for the faithful performance of the trust of guardianship to him to be committed; (continue as in form of Affidavit of Justification to Administration Bond).

50. NOTICE TO BE TRANSMITTED BY THE REGISTRAR OF A SURROGATE COURT TO THE SURROGATE CLERK, OF APPLICATION FOR LETTERS OF GUARDIANSHIP.

In the Surrogate Court of the County of _____

To the Surrogate Clerk:

Take notice that application has been made to this Court, by A. B., of, etc., to be appointed guardian to E. F., and G. F., who reside at the of , in the County of , infant children of C. F., late of, etc., who died on or about the day of , 19 .

Application received the day of , 19 .

This notice mailed the of , 19 .

.....
Registrar of the said Court.

51. LETTERS OF GUARDIANSHIP.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of

Be it known that on the day of , A.D. 19 , A. B., of the of , in the County of , was appointed guardian of the person and estate of E. F., and G. F., infant children of C. D., late of the of , in the County of , and letters of guardianship are accordingly granted by the said Court to the said A. B., with power and authority to him to do all such acts, matters and things as a guardian may or ought to do, under and by virtue of any Act of the Legislature of Ontario, relating to minors and their property, he, the said A. B., having been duly sworn to faithfully perform the trust of guardianship.

Witness His Honour (here insert the name of Judge), Judge of the said Court.

By the Court.

(Seal)

A. B.,
Registrar.

52. PETITION TO PASS ACCOUNTS, ETC.

In the Surrogate Court of the County of

In the Estate of , deceased.
To His Honour, Esquire, Judge of the Surrogate Court of the County of
The Petition of A. B., of the town of , in the of
Sheweth:

(1) That the said of the of in the County of , departed this life on or about the day of , in the year of our Lord, 19 .

(2) That your Petitioner on the day of A.D. 19 , was duly appointed of the said deceased.

(3) That your Petitioner administered the said estate and effects of the said deceased, to the best of ability, so far as the same can be administered at this time.

(4) That your Petitioner has brought in and filed with the Registrar, a full and correct account of administration of the said estate, showing all the property thereof which has come into hands of such and also a full and correct account of disbursements as such with a statement of the assets yet undisposed of.

(5) Your Petitioner therefore, pray that the said accounts may be audited, taken and passed by and before this Court.

(6) Your Petitioner further pray that may be allowed a fair and reasonable allowance for care, pains and trouble, and time expended, in and about the estate of the said deceased, and in administering, disposing of, arranging, and settling the affairs of the said estate.

(7) Your Petitioner has not hitherto been allowed any compensation for the services in the last preceding paragraph referred to, either by this Court or by any other competent Court, except

(8) That the only persons interested in the administration of the estate as beneficiaries of the said deceased, with their addresses are as follows:
and that all the said persons are of the full age of twenty-one years, except

(9) THAT your Petitioner know of no creditors of the estate of the said deceased who still have unsettled claims against the said estate, except
and that the only portion of the said estate that remains unadministered by your Petitioner is set forth in a schedule filed herewith:

and that the reason of the non-administration thereof is the following, namely:

DATED this day of , A. D. 19 .

E. F.,
Solicitor for the above named Petitioner.

53. AFFIDAVIT VERIFYING ACCOUNTS.

IN THE SURROGATE COURT OF THE COUNTY
OF

IN THE ESTATE OF , deceased.

I, , of the of , in the County of ,
make oath and say:

(1) THAT I was appointed by this Honourable Court,
of the estate of the said deceased.

(2) That the account now shown to me, marked "A," sets forth a true and correct account of all the personal estate and effects, and of the real estate and proceeds thereof, of the said estate, which have come into my hands or into the hands of my co- or of any

other person or persons on _____ behalf, so far as I know, and also the names of the parties from whom the same have been received, and the dates at which the same were received, to the best of my knowledge and belief; and that the total sums so received amount to \$ _____.

(3) That the account marked "B," now also shown to me, sets forth a true and correct account of all the disbursements and payments made by me or by my co-_____, or any other person for and on account of the said estate, to the best of my knowledge and belief; and that the total sums so distributed amount to \$ _____.

(4) THAT save and except what appears in the said account marked "A," I have not, nor has my co-_____ or anyone on _____ behalf, so far as I know, ever received or got in any part of the said deceased's personal estate or effects, or the real estate, or the proceeds thereof.

(5) That to the best of my knowledge and belief the available assets of the said estate still undisposed of and in the hands of myself and my co-_____ or of any person or persons for _____, except as hereinafter mentioned, are correctly set forth in the account marked "C," now shown to me.

(6) THAT I have not received nor been awarded or adjudged any compensation whatever by this Court for the care, pains and trouble expended by me in and about the said estate, except _____.

(7) THAT the only persons interested in the said estate and their proper places of residence and address of such persons are as follows:

(8) THAT the persons whose names are so given are of the full age of twenty-one years, except _____, as I am informed and do verily believe.

(If there are infants or persons of unsound mind, add a clause giving addresses of persons with whom they reside and any information necessary to enable the required notice to be given. See Rule 37.)

Sworn, etc.

54. APPOINTMENT TO PASS ACCOUNTS.

IN THE SURROGATE COURT OF THE COUNTY OF _____

IN THE ESTATE OF _____

deceased.
 UPON READING THE PETITION OF _____, of the Estate of the said deceased, and the Petitioner having brought in and deposited with the Registrar the accounts of _____ receipts and expenditures in respect of the said estate, I appoint _____, the _____ day of _____, A.D. 19_____, at _____ o'clock in the _____ noon, at my Chambers in the Court House, in the _____ of _____, as the time and place for the purpose of examining, auditing and passing the said accounts;

AND to fix the compensation, if any, to be allowed to the said _____ for _____ care, pains and trouble and time expended in and about the said estate;

AND I DO ORDER that all persons who are or may be interested in the estate of the said _____ deceased, do attend at the said time and place if they so desire; and that in the event of their non-attendance, the said matters may be proceeded with in their absence.

AND I DO ORDER a copy hereof to be served upon (here name the persons interested), at least _____ days before the day so appointed.

DATED this _____ day of _____, A.D. 19 _____

.....
Judge.

Note.—The accounts above mentioned may be examined by the parties interested, or their solicitors, at the office of the Registrar, at the _____ of _____

55. ORDER ON PASSING ACCOUNTS, ETC.

IN THE SURROGATE COURT OF THE _____ COUNTY
OF _____
IN THE ESTATE OF _____

deceased.

I, _____, Esquire, Judge of the said Court, having on the _____ day of _____, A.D. 19 _____, proceeded to take, audit and pass the said accounts, in the presence of _____ and after due notice to

who have failed to attend.

I FIND AND DECLARE, that the total estate and effects of the said deceased, which came into the hands of the said _____, amount to \$ _____

I FIND AND DECLARE, that the said _____ ha properly paid out and disbursed in the due course of administration of the said estate the sum of \$ _____

AND I DO HEREBY ORDER and allow the sum of \$ _____ as a fair and reasonable allowance for _____ care pains, trouble, and time and personal disbursements expended in and about the administering, arranging, and settling the affairs of the said estate to the day of _____, 19 _____ (and the distribution of the moneys in the hands of the said _____).

AND I DO ORDER that the costs of taking, auditing and passing the said accounts, and fixing the said compensation, amounting to \$ _____, as taxed by the Registrar, be allowed to the said _____, and having deducted the amount so disbursed and expended, and the said compensation and costs from the amount in the hands of the said _____

I find that there remains in the hands of the said _____ the sum of \$ _____

Dated this _____ day of _____, A.D. 19 _____

.....
Judge.

NOTES ON PRACTICE.

The powers and jurisdiction of the Surrogate Court are defined by Statute, and are contained in Chap. 62 R.S.O. 1914. Generally speaking the Surrogate Court has jurisdiction in all matters testamentary, the probating of wills, appointing of administrators and guardians and the passing of accounts of executors and trustees, the latter acting either under a will or a trust deed. Testamentary matters not specially dealt with in the Surrogate Courts Act come under the jurisdiction of the Supreme Court. After probate or administration has been granted the Surrogate Court, may, unless the value of the property of the deceased exceeds \$2,000, revoke any grant it has made, and where it does not exceed \$1,000 in value, may remove any executor or administrator and appoint some other person to act in his place. R.S.O. 1914, Chap. 62, Secs. 32, 33 and 60. Otherwise the removal of executors and the appointment of new executors is made by the Supreme Court. R.S.O. 1914, Chap. 121, Sec. 40.

The granting of probate or of letters of administration shall belong to the Surrogate Court of the County in which the testator or intestate had at the time of his death his fixed place of abode.

If the testator or intestate had no fixed place of abode in, or resided out of Ontario at the time of his death, the grant may be made by the Surrogate Court of any County in which the testator or intestate had property at the time of his death.

In other cases the granting of probate or letters of administration shall belong to the Surrogate Court of any County. R.S.O. 1914, Chap. 62, Sec. 24.

OFFICE HOURS.

Except on holidays and subject to the Rules of Court as to office hours during vacation, the office of the Registrar of the Surrogate Court is kept open from 10 o'clock in the forenoon until 4 o'clock in the afternoon, except on Saturday, when the office remains open until one o'clock.

VACATION.

The Long Vacation consists of the months of July and August. The Christmas Vacation consists of the period from the 24th day of December to the 6th day of January, both days inclusive. C.R. 177.

OFFICE HOURS DURING VACATION.

The office hours during Vacation are from 10 o'clock until noon.

PAPERS TO BE FILED ON APPLICATION FOR VARIOUS GRANTS.

PROBATE.

	Form.	Page.
1. Application for Probate	1	19
2. Affidavit upon application for Probate	10	23
3. Oath of Executor	14	22
4. Inventory of Real Estate marked as Exhibit to 2	11	23
5. Inventory of Personal Estate marked as Exhibit to 2	12	24
6. Affidavit of Plight (when necessary)	16	26
7. Affidavit of Execution	13	24
8. Last Will and Testament of deceased.		
9. Succession Duty Affidavits with Schedules		
Long form Estate over	\$5,000 1	99
Short form Estate under	5,000 2	101

The Petition may be signed either by the executors or their solicitors on their behalf.

If there be more than one executor and all do not, for any reason, desire or can take out Probate at once, the right may be reserved to them by the Court to take out Probate at some later date. The fact that all are not applying should be stated in the body of the Petition and the prayer should contain this clause "Reservative to A. B. and C. D., two of the executors named in the Will, the right to apply for Probate if and when they so desire."

The papers to be signed by all executors are Petition, Affidavit upon application, Succession Duty Affidavits and the Will which they endorse as executors therein named.

It is not necessary for the witness to a will to endorse the same on application for Probate. The Will should be marked as an Exhibit to the Oath and the Affidavit of execution by the Commissioner before whom these were sworn.

Where an infant is sole executor, administration with the Will annexed shall be granted to the Guardian, or to such other person as the Court shall think fit, until such infant shall have attained the full age of twenty-one years, at which period, and not before, Probate of the Will may be granted to him. R.S.O. 1914, Chap. 62, Sec. 50.

Foreign Executors may prove a Will in Ontario but "Letters Probate shall not be granted to a person not resident in Ontario or elsewhere in the British Dominions, unless such person shall have given the like security as is required from an administrator in case of intestacy, unless, in the opinion of the Judge, such security should, under special circumstances, be dispensed with or be reduced in amount." R.S.O. 1914, Chap. 62, Sec. 23.

When an executor has died testate before proving the Will, his executors will apply for Letters of Administration with the Will annexed. If he have died intestate, the beneficiaries under the Will may nominate one of their own number to take such a grant.

Where the execution of a Will cannot be proved by one of the attesting witnesses, their whereabouts being unknown, their being dead, or for any other causes, the same should be shown by the affidavit of the Executor and affidavits proving their signatures, or proving the signature and handwriting of the testator may establish the execution of a Will. For affidavit proving handwriting see page 76.

When a Will has been executed by the Testator making his mark, if the same is not stated in the testing clause of the Will, the affidavit of execution should state that the Will was read over to the Testator who appeared to fully understand the same and made his mark thereto in presence of the witnesses. Rule 5.

PUBLIC BEQUESTS.

Where under the terms of a will or of any instrument in writing real or personal property or any right or interest therein or the proceeds thereof, have heretofore been or are hereafter given to or vested in any person as executor or trustee for any religious, educational, charitable or public purpose, such person shall give written notice thereof, personally or by registered post, to the Attorney-General and to the Official Guardian and to the person, if any, designated in the will or instrument as the beneficiary under the bequest or gift, or as the person to receive the same from the executor or trustee. See The Charities Accounting Act, 1915. (Statutes of Ontario, 5 Geo. V., Chap. 23.)

ANCILLARY PROBATE.

	Page
1. Petition	67
2. Combined affidavit	69
3. Inventory of Realty within Ontario	68
3. Inventory of Realty and Personalty in Ontario	68
4. Affidavit of advertisement in "Ontario Gazette".....	72 and 73
5. Original Letters Probate and certified copies of same or Exemplification of Probate	
6. Succession Duty Affidavits showing whole estate.	
Long form Total Estate over	\$5,000 99
Short form Total Estate under	5,000 101

Ancillary Letters, Probate or administration may be issued in two forms by the Surrogate Court; first, when the original Letters are produced and a certified copy thereof filed in the Surrogate Court, the Letters may be sealed with the Seal of the Surrogate Court; second, when an exemplification only is produced the same is filed in Court and Letters Probate issued in ancillary form. The resealing endorsement on original Letters and Ancillary Probate form appear on pages 79 and 80.

Exemplifications and certified copies of letters filed in Court should be marked as Exhibits to the combined affidavit. See Rule 6.

In addition to the provisions of Sec. 74 of the Surrogate Courts Act respecting Ancillary Probates, other provisions of the same Act have to be complied with before such grants may be made. The Succession Duty Act requires the filing of Affidavits showing the whole estate and the same to be made by all the executors. Sec. 36 of the Surrogate Courts Act requires notice to be given in the "Ontario Gazette." Sec. 58 the inventory, and Sec. 65, the oath.

When the original grant has been made in a Court in British Dominions only one notice in the "Gazette" is necessary. In all other cases 3 notices are required. See R.S.O. 1914, Chap. 62, Sec. 36, and "Ontario Gazette" of May 27th, 1893 for Proclamation bringing 51 V., c. 9 (Imp. Statutes), into force in Ontario, and Statutes of Ontario 1895, Page "X" for Order of Her Majesty in Council applying "The Colonial Probates Act, 1892" to the Province of Ontario.

The Court grants Ancillary Probate only when the original letters have been granted in a British Court. In all other cases the application should be made for probate, or administration with will annexed.

The Court will not grant Ancillary Probate to the Attorney of foreign executors. Such attorney may be appointed Administrator with the Will annexed, on giving such security as the Judge may direct. For Power of Attorney see page 71. The Attorney may sign all affidavits and papers to lead grant. In all applications for ancillary grants, the amounts in the Inventory should be given in decimal currency. For a Table of Exchange, converting sterling into decimal currency see page 83.

Applicants for ancillary Letters Probate do not require to give security in Ontario. R.S.O. 1914, Chap. 62, Sec. 23.

QUEBEC GRANTS.

When Probate of a Quebec Will is required in Ontario, the applicant may produce either a notarial copy of the Will only, or a notarial copy of the Will and letters Probate granted by the Superior Court. When a Notarial Copy only is produced it is necessary to prove its execution by affidavit. When Probate and Will is produced proof of execution is unnecessary. All the other papers necessary to prove a Will made in Ontario should be filed. The affidavit of Plight may be omitted. When the Will has not been proved in the Superior Court, security must be given in Ontario. When a Will has been made in holograph form in Quebec without any witnesses and the same admitted to Probate by the Superior Court, ancillary Probate of the same may be obtained in Ontario. Such a grant can pass personal estate only.

FOREIGN GRANTS.

In the case of foreign grants, i.e., grants made by Courts outside of British Dominions, when Probate is required to pass estate in Ontario, the applicant should file, together with the other papers to lead Probate, an exemplification or certified copy of the Probate and Will duly authenticated by the seal of its Court. This exemplification will prove affidavit of death and place of abode, plight and condition of the Will and its execution. The other papers to be filed in addition to the exemplification are Petition (similar to form on page 67), Inventory of Ontario assets, Oath to faithfully administer, Affidavit of value of property devolving, Affidavit of advertisement in "Ontario Gazette," Bond in double the amount of the Ontario assets (or in such sum as the Judge may require), and Succession Duty Affidavits with Schedules, showing whole estate, wherever situate.

An administrator with Will annexed appointed by a foreign Court cannot obtain a like grant in Ontario to administer Ontario assets. He is precluded from obtaining such a grant by Sec. 22 of the Surrogate Courts Act. He can appoint an attorney in Ontario to apply for and obtain from the Surrogate Court such a grant. An original Power of Attorney should be filed in Court with other papers.

SCOTCH GRANTS.

In Scotland an executor appointed by the Court is termed an "executor-nominate," and an administrator an "executor-dative"; letters probate are termed "confirmation of executors" and administration "testament dative." The original will is not filed in the Court of Probate but is sent to Edinburgh to be filed for registration in the Books of Council and Session for preservation. The Keeper of these Books issues what is called "an extract registered Trust Disposition and Settlement." This extract is filed in the Probate Court together with

the other papers leading to Probate, and the Court issues the Confirmation of the executors together with an inventory and this is equal to Letters Probate in Ontario. When applying for Ancillary Probate in Ontario a certified copy of this Confirmation with inventory and copy of the Will duly authenticated under the seal of the Court is produced, together with the Inventory of the Ontario assets, petition, oath to faithfully administer, proof of notice having been published in the Ontario Gazette and the Succession Duty Affidavits. If resealing is required the original Confirmation should, of course, be produced.

ANCILLARY GRANTS IN OTHER PROVINCES OF CANADA.

After probate or administration has been granted in Ontario and it is necessary to obtain an ancillary grant in some other Province in order to transfer or make title to property there, the procedure is similar to that to obtain ancillary probate in Ontario. The applicants should file a petition setting forth all the facts, following as closely as possible the form on page 67, oath of executor, affidavit of value of property devolving, and an affidavit of value and relationship under the Provincial Succession Duties Act.

REGISTRATION OF WILLS AND FOREIGN PROBATES IN REGISTRY OFFICE.

In cases where an executor desires to register an original Will in the Registry office without taking out probate, or

Where Probate of a Will has been granted in a foreign country and it is not intended to take out ancillary probate for the purpose of making title to real property in Ontario held by the deceased. Sec. 56 of the Registry Act (R.S.O. 1914, Chap. 124) provides that

“Unless with the consent in writing of the Treasurer of Ontario an original Will or an exemplification or certified copy of Probate or letters of administration with the Will annexed under the seal of any Court in Great Britain and Ireland, or in any British Province, colony or possession, or in any foreign country having jurisdiction therein, shall not be registered under this Section unless accompanied by a Certificate of the Registrar of the Surrogate Court of the County in Ontario where the deceased had a fixed place of abode or where the lands, or any of them, devolving by the will are situate, showing that a statement has been filed with him similar to that required by Section 11 of the Succession Duty Act, and such certificate shall be deposited with the Registrar.”

The above mentioned statement which the executor files with the Surrogate Registrar is the usual affidavit of value and relationship, with schedules, which are filed in duplicate. One of these duplicates is forwarded by the Surrogate Registrar to the Succession Duty Office, and on receiving from that office the Consent to registration of the Will or Exemplification, the Registrar grants the Certificate, Form 10, page 116.

In view of the judgment of Mr. Justice Middleton in the case of Green and Flatt, 29 O.L.R., p. 103, it may only be necessary, for the purpose of making title to real property in Ontario, to register the foreign probate in the Registry Office in cases where the original will was made in a form sufficient to pass real property in the Province.

On the 15th October, 1895, Isaac Balmer, then owner of the land in question, mortgaged it to John Balmer of the Village of Morland in the County of Westmoreland, England. John Balmer died, and on the 6th day of November, 1895, his will was proved by his executors in the Probate Court of Scotland, and his executors, Joseph Balmer and Isaac Fox, discharged the mortgage. The Will and Scotch Probate have been registered in the Registry Office. It is objected that the executors have no status in this country unless and until the will is admitted to probate here or the Probate is resealed by the Surrogate Court here.

The Registry Act (10 Edw. VII., Ch. 60, Sec. 65) provides that where any person other than the original mortgagee is entitled to receive the mortgage money and discharge the mortgage he shall at his own expense cause to be registered all the instruments or documents through which he claims title to the mortgage money.

It is not contended that the Will is not duly registered; as by Sec. 56 a will may be registered (a) before probate and (b) upon production of probate granted under the seal of any Court of Ontario, or in Great Britain or in foreign countries.

The objection is based on a misconception of the law.

Upon reasons having their origin in the early history of the Courts of England, the Ecclesiastical Courts originally, and that Courts of Probate now, have exclusive jurisdiction in matters testamentary; and the executors of a deceased person cannot in the ordinary courts of civil jurisdiction show their representative capacity—except by the production of letters probate. But executors nevertheless derive their title not from the letters probate—which are merely evidence—but from the will itself; and before probate is issued they are clothed with their full title.

When executors are sued the plaintiff may prove their representative capacity either by producing letters probate or by showing such intermeddling as will raise a presumption of executorship.

The case of an administrator is entirely different. The administrator derives his title purely from the grant of administration; and a foreign administrator has not, under the status, the right to discharge a mortgage. This was so held in *re Thorpe* (1868), 15 Gr. 76.

The statement in Mr. Weir's book (*Law of Probate*), p. 49, "But until probate or administration is granted in the country or Province where the goods are, the foreign executor or administrator has no dominion over them" is too wide. The cases he relies on merely establish the necessity of domestic probate being produced at the hearing.

The statement in *Williams on Executors*, 9th ed., p. 242, "The practical consequence is, that an executor cannot assert or rely on his right in any Court without showing that he has previously established" his right in the Probate Court is far more accurate. See also *Mohamidu Mohideen Hadjuar v. Pitchey* (1894), A.C. 437.

The order will therefore be granted. No costs.

ADMINISTRATION.

	Form.	Page.
1. Application for administration	4	20
2. Oath of Administrator	18	27
3. Affidavit of search for Will	15	25
4. Inventory of Realty marked as Exhibit to No. 2	11	23
5. Inventory of Personalty marked as Exhibit to No. 2 ...	12	24
6. Renunciation (if required)	22	28
7. Bond	23	29
8. Succession Duty Affidavits with Schedules		
Long form estate over	\$5,000	99
Short form estate under	5,000	101

The Petition for administration may be signed either by the applicant or by his solicitor on his behalf.

Letters of Administration shall not be granted to a person not resident in Ontario, but this does not apply to resealing letters under R.S.O. 1914, Chap. 62, Sec. 74. See R.S.O. 1914, Chap. 62, Sec. 22.

In cases where there are more persons than one entitled in equal degree to the grant of administration and all are not applying for the grant, the majority of the next-of-kin resident within the Province should renounce their right to administration in favor of the applicant or applicants. If all of the next-of-kin reside outside of Ontario a majority should renounce.

The penal amount of the bond should, unless the Judge otherwise directs, be in double the amount of the estate, with two sureties each of whom justifies the amount of the estate. The sureties may justify to an amount which in the aggregate shall equal the amount of the penalty in the bond.

When the surety is a Guarantee Company, no affidavit of justification is necessary, and no affidavit of execution by the Company is necessary when the Bond is executed under its corporate seal. When the bond of a Guarantee Company is executed by one of its officers as its attorney or agent and not under its corporate seal, an affidavit of execution is necessary.

In the County of York when a Guarantee Company is the surety, the Court will accept a bond in the amount of the estate only.

Sureties to a personal bond must be domiciled in the Province of Ontario. When a Guarantee Company is the surety it must be one of the companies authorized by Order in Council to give such security.

When determining the penal amount of a bond, mortgages against real estate may be deducted in arriving at the value of the estate.

The penal amount of a bond may be reduced by the Judge to such an amount as he may deem adequate, and the Judge may further reduce the amount of a bond during the course of administration to such an amount as he may require.

No solicitor can be the surety to a Bond. See Rule 15 (3).

Where an administrator has passed his final account, and has paid into Court or distributed the whole of the property of the deceased which has come into his hands, the Judge may direct the Bond or other security furnished by the administrator to be delivered up to be cancelled. R.S.O. 1914, Chap. 62, Sec. 68.

In the case of small estates, when it is shown to the satisfaction of the Judge that the whole estate has been administered, creditors and next-of-kin paid, he may order the delivery of the bond to the administrator for cancellation. For forms of affidavit to lead to such order and the order itself, see page 76.

A Trust Company may be appointed as administrator either alone or jointly with another person, and in case of administration or administration with will annexed or guardianship of the estate of infants does not require to give any bond.

ANCILLARY ADMINISTRATION.

	Page
1. Petition	69
2. Combined affidavit	71
3. Inventory of Personalty and Realty in Ontario.....	70
4. Affidavit of advertisement in "Ontario Gazette"	68
5. Original Letters of Administration and certified copy of same or Exemplification of grant.	
6. Bond in double the amount of the Ontario estate or Certificate from Clerk of Court that security already given sufficient to cover Ontario assets.	
7. Succession Duty Affidavits showing whole estate.	
Long form estate over	\$5,000 99
Short form estate under	5,000 101

As in the case of ancillary probate, ancillary administration may be granted in two forms, either by resealing the original Letters when they are produced, or by issuing ancillary letters.

Only grants already made in British Courts can be resealed. See R.S.O. 1914, Chap. 62, Sec. 74. In cases where administration has been already granted by a foreign Court and administration is required in Ontario, an exemplification of the letters granted by the foreign Court, issued under its seal, is filed in Court.

Letters of Administration shall not be issued to a person not resident in Ontario, but this shall not apply to the resealing of grants made in British Courts, or to ancillary grants. A foreign administrator may appoint an attorney to take out administration in Ontario. Renunciations by the next-of-kin are not necessary. For form of Power of Attorney see page 71.

Letters of Administration shall not be sealed with the Seal of the Surrogate Court until a certificate has been filed, under the hand of the Registrar of the Court which issued the letters, that security has been given in such Court in a sum of sufficient amount to cover as well the assets within the jurisdiction of such Court as the assets within Ontario, or in the absence of such Certificate until like security is given to the Judge of the Surrogate Court covering the assets within Ontario as in the case of granting original letters of administration. (R.S.O. 1914, Chap. 62, Sec. 74, ss. 2). For form of certificate granted by Registrar see page 91.

ADMINISTRATION DE BONIS NON.

	Form.	Page.
1. Petition. For form see page		67
2. Affidavit of death of testator or intestate and oath	18	27
3. Inventory of unadministered property:		
Realty	11	27
Personalty	12	28
4. Bond, with the words "de bonis non" added after the words "Administrator" and "Administration"....	23	33
5. Succession Duty Affidavits.		
Long form estate over	\$5,000	99
Short form estate under	5,000	101
6. Original Letters Probate or Letters of administration.		

When an administrator has died either testate or intestate, leaving part of the property unadministered, the next-of-kin to the estate of which he was administrator may apply to the Court for administration de bonis non. When an executor has died intestate, the next-of-kin of deceased for whom he was administrator may apply for administration de bonis non with the will annexed. When a trustee has died testate, his executors or trustee carry on the administration of the estate, under his will, no grant from the Court being necessary.

ADMINISTRATION WITH THE WILL ANNEXED.

	Form.	Page.
1. Petition	2	19
2. Oath	17	26
3. Inventory of Realty marked as Exhibit to No. 2	11	23
4. Inventory of Personalty marked as Exhibit to No. 2	12	24
5. Will.		
6. Bond	24	29
7. Succession Duty Affidavits.		
Long form estate over	\$5,000	99
Short form estate under	5,000	101

GUARDIANSHIP.

	Form.	Page.
1. Petition	44	39
2. Election by Minors (when over 14)	45	40
3. Oath	46	40
4. Affidavit in support of application	47	41
5. Bond	Forms 48, 49	41
6. Affidavit of advertisement in newspaper		74

See Surrogate Court Rules, 34 and 35.

When insurance and money not exceeding \$3,000 is payable to the wife and children of the assured, and some or all of the children are infants, the Court may appoint the widow of the assured, if she is the mother of such infants, as their guardian without security and such insurance money may be paid to her as such guardian. R.S.O. 1914, Chap. 183, Sec. 175, ss. (2).

Extract from "an Act respecting Infants." R.S.O. 1914, Chap. 153, Secs. 26-31.

26.—(1) The Surrogate Court may appoint the father of the infant or may, with the consent of the father, appoint some other suitable person or persons to be the guardian or guardians of the infant, but if the infant is of the age of fourteen years no such appointment shall be made without his consent. When infant's consent necessary.

Where no father or authorized guardian or infant does not consent.

(2) If the infant has no father living or any guardian authorized by law to take care of his person and the charge of his estate, if any, or if he is of the age of fourteen years and does not give the consent mentioned in the next preceding subsection, upon the written application of the infant, or of any friend of the infant residing within the jurisdiction of the Surrogate Court to which the applicataion is made, and after proof of twenty days' public notice of the application in some newspaper published within the county or district to the Surrogate Court to which the application is made, the Court may appoint some suitable and discreet person or persons to be guardian or guardians of the infant, whether the infant is or is not entitled to any property.

Letters of guardianship to have effect throughout Ontario.

(3) Letters of guardianship granted by a Surrogate Court shall have force and effect in all parts of Ontario; and an official certificate of the grant may be obtained as in the case of letters of administration. 1 Geo. V. c. 35, s. 19.

Security by the guardian.
Rev. Stat. c. 190.
Rev. Stat. c. 178.

27. Subject to the provision of The Guarantee Companies Securities Act and of The Ontario Companies Act the Court shall take from every guardian, appointed under section 26, a bond in the name of the infant, in such penal sum and with such sureties as the Judge approves, conditioned that the guardian will faithfully perform his trust, and that he, or his executors or administrators, will, when the infant becomes of the full age of twenty-one years, or whenever the guardianship is determined, or sooner if thereto required by law, render a true and just account of all goods, money, interest, rents, profits or other estate of the infant, which shall have come into the hands of the guardian, and will thereupon without delay deliver and pay over to the infant, or to his executors or administrators, the estate or the sum which may be in the hands of the guardian belonging to the infant, deducting therefrom and retaining a reasonable sum for the expenses and charges of the guardian; and the bond shall be recorded by the Registrar of the Court in the books of his office. 1 Geo. V. c. 35, s. 20.

Condition of bond.

When mother to be guardian alone or jointly.

28.—(1) On the death of the father of an infant the mother, if surviving, shall be the guardian of the infant, either alone, when no guardian has been appointed by the father, or jointly with any guardian appointed by the father.

When court may appoint guardian.

(2) Where no guardian has been appointed by the father, or if the guardian appointed by the father is dead, or refuses to act, the Supreme Court or the Surrogate Court may from time to time appoint a guardian or guardians to act jointly with the mother.

When mother may appoint guardian

(3) The mother of an infant may, by deed or will, appoint any person or persons to be guardian or guardians of the infant after the death of herself and the father of the infant, if the infant be then unmarried; and where guardians are appointed by both parents they shall act jointly.

Provisional appointment by mother.

(4) The mother of an infant may by deed or will, provisionally nominate some fit person or persons to act as guardian or guardians of the infant after her death jointly with the father of the infant, and the Court after her death, if it be shown that the father is for any reason unfitted to be the sole guardian of his children, may confirm the appointment of such guardian or guardians, who shall thereupon be empowered to act, or may make such other order in respect of the guardianship as may be deemed just.

(5) In the event of guardians being unable to agree among themselves, or with the father, upon a question affecting the welfare of an infant any of them, or the father, may apply to such court for its direction and the court may make such order as may be deemed just. 1 Geo. V. c. 35, s. 21. Direction by court on matters affecting infant.

As to appointment of trust companies as guardian, see The Loan and Trust Corporation Act. R.S.O. c. 184.

29.—(1) Testamentary guardians and guardians appointed or constituted by virtue of this Act shall be removable by the Supreme Court, or by the Surrogate Court for the same causes for which trustees are removable. Removal of guardians.

(2) Any such guardian may, by leave of the Court, resign his office upon such terms and conditions as may be deemed just. 1 Geo. V. c. 35, s. 22. Resignation of office by guardian.

30. A return of every appointment and removal or resignation of a guardian shall be made by the Registrar of the Court to the Surrogate Clerk in like manner as is required by The Surrogate Courts Act in the case of grants of probate or administration. 1 Geo. V. c. 35, s. 23. Returns respecting guardians to Rev. Stat. c. 62.

31.—(1) The Surrogate Court, referred to in sections 2 and 26 to 28, is the Surrogate Court of the county or district in which the infants or any or either of them reside. What Surrogate Court or Judge to act.

(2) The powers conferred by this Act on the Supreme Court may be exercised by a Judge thereof in Chambers. 1 Geo. V. c. 35, s. 24. Exercise of powers by judge in chambers.

For form of advertisement referred to in Sec. 26, ss. 2 above, see page 74.

PAPERS REQUIRED FOR PASSING ACCOUNTS OF EXECUTORS, ADMINISTRATORS OR GUARDIANS.

	Form.	Page.
1. Petition to pass accounts	52	43
2. Accounts prepared as to show:		
A. The value of the whole estate of deceased at the time of death.		
B. Receipts as to Capital of estate.		
C. Disbursements as to Capital of estate.		
D. Receipts as to Revenue of estate.		
E. Disbursements as to Revenue of estate.		
F. Investments made by Executors or administrators.		
G. Balance of Estate unrealized.		
3. Affidavit verifying accounts	53	44
4. Appointment in duplicate	54	45
5. Order of Judge on passing, in duplicate	55	46

Petition may be signed by Petitioners or their Solicitor. Accounts must be marked as exhibits to affidavit verifying. The above accounts of capital and revenue are used only in large estates. In smaller estates capital and revenue may be included in the one account.

It is not compulsory for Executors or administrators to pass their accounts before the Surrogate Court. They may be compelled to do so at the instance of a party having an interest in the estate or at the instance of a creditor. See R.S.O. 1914, Chap. 62, Sec. 72.

To compel the passing of accounts, the party so desirous should file in Court an affidavit setting forth the facts and reasons for such compulsion, upon which the Court may grant the order. For form of affidavit and order, see page 77.

Where, on the passing of the final accounts of a personal representative, guardian or trustee by the Judge of a Surrogate Court, there is found to be in the hands of such personal representative, guardian or trustee any money belonging to an infant, or to a lunatic or a person of unsound mind, or to a person whose address is unknown, it shall be the duty of such personal representative, guardian or trustee to pay the money into the Supreme Court to the credit of the person who is entitled to it. R.S.O. 1914, Chap. 121, Sec. 38, ss. 2.

The Surrogate Court cannot issue an execution on an Order on passing accounts. To enforce an Order an action is brought in the proper Court and the Order on passing accounts may be used as prima facie evidence of the claim.

INVENTORIES.

In making up the inventory of the assets of the estate, when there is real estate encumbered by mortgage, the value of the property should be shown, and the amount of the mortgage deducted. Insurance moneys payable direct to beneficiaries under the policy need not be included in the Surrogate Court inventory of the estate. They are not chargeable with Surrogate Court fees. They should, however, be included in Succession Duty Schedule. Debts due by the deceased should not be deducted from the value of the estate. The whole estate has to be administered (Surrogate Court of Wentworth and Kerr, 44 U.C.Q.B., p. 207).

Leasehold property is regarded as personal property. When the whole of the assets or the value of any of the assets of an estate cannot be ascertained when application for a grant is made, the applicant may give an undertaking to the Court to file a further Inventory of the complete assets and their value as soon as the same have been ascertained. See R.S.O. 1914, Chap. 62, Sec. 58.

The value of assets should be given in decimal currency. For a table rendering sterling into decimal currency see page 83.

AFFIDAVITS, ETC., MADE OUT OF ONTARIO.

(a) In England or Ireland before a Commissioner authorized to administer oaths in the Supreme Court of Judicature of England or Ireland;

(b) In England or Ireland before a Judge of the Supreme Court of Judicature of England or Ireland;

(c) In Scotland before a Judge of the Court of Session or the Justiciary Court of Scotland;

(d) Before a Judge of any of the County Courts of Great Britain or Ireland, within his County;

(e) In Great Britain or Ireland, or in any Colony of His Majesty, or in any foreign country, before the Mayor or Chief Magistrate of any city, borough or town corporate, certified under the common seal of such city, borough, or town corporate;

(f) In any Colony belonging to the Crown of Great Britain, or any dependency thereof, or in any foreign country before a Judge of any Court of Record or of supreme Jurisdiction;

(g) In the British possessions in India, before any Magistrate or Collector certified to have been such under the hand of the Governor of such possession;

(h) In Quebec, before a Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court;

(i) In any foreign place, before any Consul, Vice-Consul, or Consular Agent of His Majesty exercising his functions;

(j) Before a Notary Public and certified under his hand and official seal;

(k) Or before a Commissioner authorized by the laws of Ontario to take such affidavits;

shall be as valid and effectual, and shall be of like force and effect to all intents and purposes as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in Ontario before a Commissioner for taking affidavits therein, or other competent authority of the like nature. 9 Edw. VII., c. 43, s. 38.

Any document purporting to have affixed, impressed or subscribed thereon or thereto the signature of such Judge or Commissioner, or the signature and official seal of such Notary Public, or Prothonotary, or the Seal of the Corporation and the signature of such Mayor or Chief Magistrate or Governor as aforesaid, or the seal and signature of such Consul, Vice-Consul or Consular Agent in testimony of such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, or for any other purpose authorized by this Act, shall be admitted in evidence without proof of such signature, or seal and signature, being the signature or the seal and signature of the person whose signature or seal and signature the same purport to be, or of the official character of such person. 9 Edw. c. 43, s. 39. R.S.O. 1914, Chap. 76, Secs. 38 and 39.

In addition to the classes of persons named in section 38 of The Evidence Act, an oath, affidavit, affirmation or declaration for use in Ontario, may be administered, sworn, affirmed or made out of Ontario by a Colonel, or Major of the Canadian Expeditionary Forces on active service, out of Canada, and shall be as valid and effectual and shall be of like force and effect to all intents and purposes as if it had been administered, sworn, affirmed or made in Ontario before a commissioner for taking affidavits therein or other competent authority of the like nature. 6 Geo. V. Chap. 24, Sec. 13 (Statutes of Ontario.)

SOLDIERS' WILLS.

Section 14 of the Wills Act (R.S.O. 1914, Chap. 120), provides that "any soldier being in actual military service or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the passing of this Act."

As to what constitutes "actual military service" the following decision in the goods of Hiscock 1901, P and D, p. 278, has been followed in the Surrogate Court of the County of York.

IN THE GOODS OF HISCOCK.

Probate—Nuncupative Will—Volunteer Soldier—Minor—Wills Act (1 Vict. C. 26), s. 11—"In Actual Military Service."

The test to be applied, in considering whether a nuncupative will of a soldier is entitled to probate under the 11th section of the Wills Act, is whether, before the will was made, some step has, under orders, been taken by the soldier in view of and preparatory to joining the forces in the field.

A printer's apprentice, who was a private in a volunteer battalion and resided with his father in Chichester, sent in his name for active service in the war then being waged in South Africa, was certified as fit by the medical inspector, and, pursuant to an order, went into barracks at Chichester, and while there made his will, being at that time under twenty-one years of age. An order was subsequently received from the military authorities pursuant to which he embarked with his regiment, and he died from a wound received in battle;

Held, that by taking the step of going into barracks with a view to being drafted to the seat of war, he had brought himself within the operation of s. 11 of the Wills Act, and that he was, at the time he made his will, "a soldier in actual military service;" and, consequently, that his will, though made at a time when he was under age, was entitled to probate.

PROOF OF DEATH.

Before admitting his will to probate or granting administration of a soldier's estate the Court should have conclusive evidence of his death, the mere affidavit of the applicant, unless he has been an eye-witness, is not sufficient. The Militia Department issues a Certificate of Death and this certificate should be made an Exhibit to the Affidavit upon application for Probate or to the Administrator's oath. In the case of a man who has been missing for some time the Militia Department may issue a certificate stating him to be missing since a certain date and now for official purposes declared to be dead. In such cases this Certificate should be made an Exhibit as above mentioned.

Surrogate Court, County of York.

In re MacGregor Estate No. 31915.

Surr. Ct. Co. York.

In re Jameson Estate No. 31816.

Surr. Ct. Co. York.

WILLS ADMITTED TO PROBATE.

Several wills of soldiers admitted to Probate by the Surrogate Court of the County of York have consisted of letters written by the deceased to some friend or relative at home, containing a request as to the disposition of the estate, and in many cases not naming any executor. An executor may be appointed according to the tenor of the will. If there be no executor named and none who could prove according to the tenor, the Court may grant administration with the will annexed. When a will has been made in holograph form with no subscribing witnesses, or when the affidavit of an attesting witness cannot be obtained, proof of the handwriting of the testator, and if possible, of one or both of the witnesses should be submitted.

In re Baines' Estate, No. 32367.

Surr. Ct. Co. York.

For affidavit proving handwriting, see page 76.

TRUSTEES, EXECUTORS AND ADMINISTRATORS.

DELEGATION OF THEIR POWERS TO AN ATTORNEY WHILST ON ACTIVE SERVICE.

See 6 Geo. V., Chap. 29, Statutes of Ontario.

(1) A trustee (whether a sole trustee or a trustee with others) may, notwithstanding any rule of law or equity to the contrary, by power of attorney, attested by one or more witnesses, delegate to any person

capable of being appointed to be a trustee of the trust the execution during any period for which the trustee is engaged on war service within the meaning of this Act, and a further period of two months thereafter, of any trust of which he is trustee.

(2) For the purposes of this Act a trustee shall be deemed to be engaged on war service:

- (a) If he is engaged on active service in connection with the present war as a member of any of the military or naval forces of the Crown; and
- (b) If he is engaged on service in any work abroad, in connection with the present war, of the British or Canadian Red Cross Society, or the Army Medical Corps, or any other body with similar objects; and
- (c) If in connection with the present war he is a prisoner of war in the enemy's country or is interned in the country of a neutral power.

(3) All jurisdiction and powers of any court shall apply to the donee of a power of attorney given under this Act so far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

(4) A statutory declaration or affidavit by the donee of a power of attorney under which the execution of a trust is delegated; that the donor is engaged on war service within the meaning of this Act, or that in any transaction the donee is acting in execution of the trust, shall be accepted as sufficient evidence of the fact by any person dealing with the donee.

(1) A power of attorney given under this Act may be registered in the registry office of any country or in any land titles office upon the affidavit of the witness being made before the major or any officer of higher command serving with the British or Canadian Expeditionary Force, or made as now provided by The Registry Act or The Land Titles Act.

POWER OF ATTORNEY BY TRUSTEES, EXECUTORS AND ADMINISTRATORS, DELEGATING THEIR POWERS TO OTHERS WHILST ON ACTIVE SERVICE.

See 6. Geo. V. Chap. 29, Statutes of Ontario.

TO ALL TO WHOM these presents shall come, I, _____, of _____, engaged on active service in connection with the present war as (regiment and rank), send greeting;—

WHEREAS, _____, late of the _____ of _____, deceased, died on or about the _____ day of _____, at _____, aforesaid, having first made his last Will and Testament wherein he appointed me as sole executor thereof, probate of which said Will was granted to me by the Surrogate Court of the County of _____, on the _____ day of _____, 191____, or having died intestate, leaving me, his lawful and natural son and only child and next-of-kin, and Whereas letters of administration to the estate of the said _____, were granted to me by the Surrogate Court of the County of _____, on the _____ day of _____, 191____.

AND WHEREAS I am leaving Canada for abroad

AND WHEREAS I am desirous under and in pursuance of the power conferred on me by The Execution of Trusts Act, 1916, of appointing an Attorney to act for me in relation to the administration of the said estate,

NOW I HEREBY NOMINATE, CONSTITUTE AND APPOINT to be my lawful Attorney, to act for me in my name and on my behalf for all purposes of administration of the estate of the said , and without in any way limiting the general power hereinbefore contained, I hereby authorize my said Attorney to do all or any of the following things:—

1. To ask, demand, sue for, recover and receive all sums of money, debts, goods, property and effects which now are or which hereafter may be owing, payable or belonging to me by virtue of any security or upon balance of account or otherwise howsoever and on payment, transfer or delivery thereof, or any part thereof, to give, sign and execute releases and other discharges for the same respectively and on non-payment, non-transfer or non-delivery thereof or of any part thereof, to commence, carry on and prosecute any action or other proceedings whatsoever for recovery, and compelling the payment transfer or delivery thereof respectively.

2. To sell, take up, subscribe for, underwrite, purchase and transfer for valuable or nominal consideration any funds, stocks, shares, annuities, debentures, debenture stock, bonds, obligations or other securities of whatsoever description standing in my name or belonging to me, and, for that purpose, to employ and pay brokers and other agents in that behalf.

3. To represent me at meetings of creditors of any company, firm or person, or of shareholders, stockholders or debenture holders of any company.

4. I authorize my said Attorney to enter into, make, sign, seal, execute, deliver, acknowledge, do and perform any contract, agreement, deed, writing, transfer or thing that may, in the opinion of my said Attorney, be necessary or proper to be entered into, made, signed, sealed, executed, delivered, acknowledged, done or performed for effectuating the purposes aforesaid, or any of them, and in particular to draw, sign and endorse in my name any cheque, dividend-warrant or other negotiable instruments payable or to me.

5. For me, and in my name, to arrange any overdraft with my bankers, and to make such arrangements concerning any now existing overdraft of mine as my said Attorney may think fit, and to borrow any sum or sums of money on such terms and with or without security as he may think fit.

6. Generally, to do, execute and perform any other act, deed, matter or thing whatsoever which ought to be done, executed or performed in or about any concerns, engagements and business of every nature and kind whatsoever fully and effectually to all intents and purposes as I myself could do if I were present and did the same in my own proper person, it being my intent and desire that all matters and things respecting the same shall be under the full management of my said Attorney.

7. And all and whatsoever my said Attorney shall do or cause to be done in the premises I hereby covenant with him to ratify and confirm.

And I declare that this Power of Attorney is irrevocable until one month after the declaration of Peace between Great Britain and Germany.

In Witness Whereof, I, the said , have hereunto set my hand and seal this day of , One thousand nine hundred and

Signed, sealed and delivered by the above in the presence ofL.S.

.....Witness.
.....Witness.

PROBATE OR ADMINISTRATION AS EVIDENCE.

In order to establish a devise or other testamentary disposition of or affecting real estate, probate of the will or letters of administration with the will annexed containing such devise or disposition, or a copy thereof, under the seal of the Surrogate Court granting the same, or under the seal of the Supreme Court, where the probate or letters of administration were granted by the former Court of Probate for Upper Canada shall be prima facie evidence of the will, and of its validity and contents. 9 Edw. VII., c. 43, s. 42.

CONTENTIOUS PROCEEDINGS.

A Caveat may be filed either at the office of the Surrogate Clerk, Osgoode Hall, Toronto, or in the office of the Registrar of the Surrogate Court of the County in which the deceased was domiciled. The fee for filing is \$2.10 and postage. The caveat may be filed before application for probate or administration has been made and it remains in force for a period of six months, and the party entering the caveat should at the same time file an Affidavit, stating that it has not be filed for vexatious purposes. See Rule No. 23, page 11. When the application for probate is made the Surrogate Registrar serves a warning upon the parties who have entered the caveat, requiring them, within ten days of service, to enter an appearance and to state fully the grounds on which it has been entered. Except where otherwise ordered, a defendant who fails to appear shall not be entitled to notice of any subsequent proceedings in the action. C.R. 35.

The practice in the Surrogate Court on the filing of an appearance has been somewhat changed by the new rules. Formerly, the next step was the filing of pleadings, the executors filing their statement of claim and the parties opposing the will their statement of defence. Under the new rules (see rule 27), when an appearance has been entered, application is made to the Judge (by the executors) for directions as to the mode of determining the question between the parties, the necessity for production of documents and discovery, to settle the issue to be tried, and fix the time for and mode of trial. Following this procedure, no pleadings, as formerly, are necessary, the application for probate, the caveat and appearance and the material before the Judge at the hearing under this rule being sufficient to enable the Court to settle the issue to be tried. When the requirements of Rule 27 have been complied with, the Court will make an order directing the issue, and time and mode of trial. For Order under Rule 27, see page 78.

The onus of proving a will rests upon the executors, and they, in consequence, become plaintiffs in action to have it set aside, while the parties contesting become defendants.

SUMMARY OF PRESENT RULES OF DESCENT.

1. Lands pass by way of executor or administrator, R.S.O. Chap. 119 s. 3.
2. Where there is a will the testator makes his own rules of descent.
3. Where no will, descent is under Devolution of Estates Act, R.S.O., Chap. 119.
4. The wife, unless she elects to relinquish her dower, still retains her right to dower in lands. If she elects, she takes under the Act as afterwards described, s. 9.

5. The husband, unless he elects, takes his share under the statute, that is one-third and the balance to the children if there are issue and one-half to the husband and one-half to the wife's next-of-kin if no issue, s. 29 (1). If he elects in six months he may remain tenant by the curtesy, s. 29 (2).

6. Where a man dies leaving not more than \$1,000 the whole goes to his widow if there is no issue, s. 12. If there is issue, section 30 governs and the wife gets one-third, the children and their children, two-thirds per stirpes, subject to advancement, s. 30 and see s. 28.

7. If the estate is worth more than \$1,000 after paying debts, etc., \$1,000 goes to the widow (if there is no issue) and balance to widow and next-of-kin, s. 12 and s. 30.

8. If there is a wife and no children nor any legal representatives of children, \$1,000 to wife and remainder one-half to wife and one-half to the next-of-kin and their legal representatives; but no representation after brothers and sisters of intestate, s. 30.

9. If no wife or children, the father, mother, brothers and sisters, share equally (including half brothers and sisters) and the descendants of brothers and sisters take the parent's share by representation, s. 30;

Walker v. Allen, 24 A.R. 336;
 Re Wagner, 6 O.L.R. 680;
 Re Adams, 6 O.L.R. 697;
 Re Greenshields, 6 O.W.N. 303.

10. If no wife, father or children, then to mother, brothers and sisters and their descendants per stirpes, equally, s. 31.

Armour Devolution, p. 277.
 Keilway & Keilway, 2 P. Wms. 344.

If a wife, one-half to her under Rule 8 and the balance as above.

11. If no wife, father or mother but grandparents and brothers and sisters, nothing to grandparents and everything to brothers and sisters and their representatives. This is the effect of s. 30, by which brothers and sisters are made of equal degree with father and mother;

See Re Wagner, 6 O.L.R. 680.

The other rules follow from this, bearing in mind that under the civil law the degrees of relationship are counted up from the intestate to his nearest ancestors having descendants and down again. For example, a grandparent is two degrees away and takes before uncles and aunts who are three degrees away as follows:—

The intestate.

1. The father and mother.
2. The grandparents.
3. The children of grandparents, that is uncles and aunts.

In the following examples uncles and aunts and nephews and nieces of the intestate though they are of the same degree from the intestate do not take equally because of the rule permitting representation amongst children of brothers and sisters.

The intestate.

1. The parents.
2. The grandparents.
3. Children of grandparents, that is uncles and aunts.

The intestate.

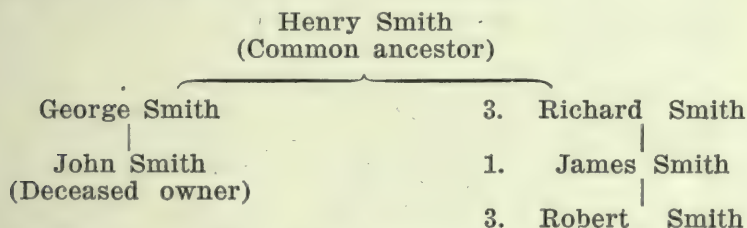
1. The parents.
2. Parent's children, that is brothers and sisters of intestate.
3. Children of brothers and sisters, that is nieces and nephews.

Note.—Both these are three degrees from intestate yet in latter case nephews and nieces of the intestate who take as representatives of their parents and will exclude the intestate's uncles and aunts.

METHOD OF COMPUTING DEGREES AMONGST COLLATERAL RELATIVES.

I. According to Canon or Common Law applicable to the inheritance of land before July 1st, 1886.

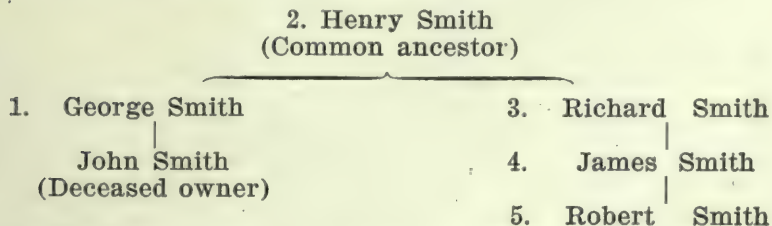
1. Find the common ancestor.
2. Count one degree for each generation after the common ancestor to ascertain the person most nearly related.
3. Table illustrating this computation:



4. Result:—Richard being one degree removed takes before James;
James being two degrees removed from Robert who is three degrees removed.

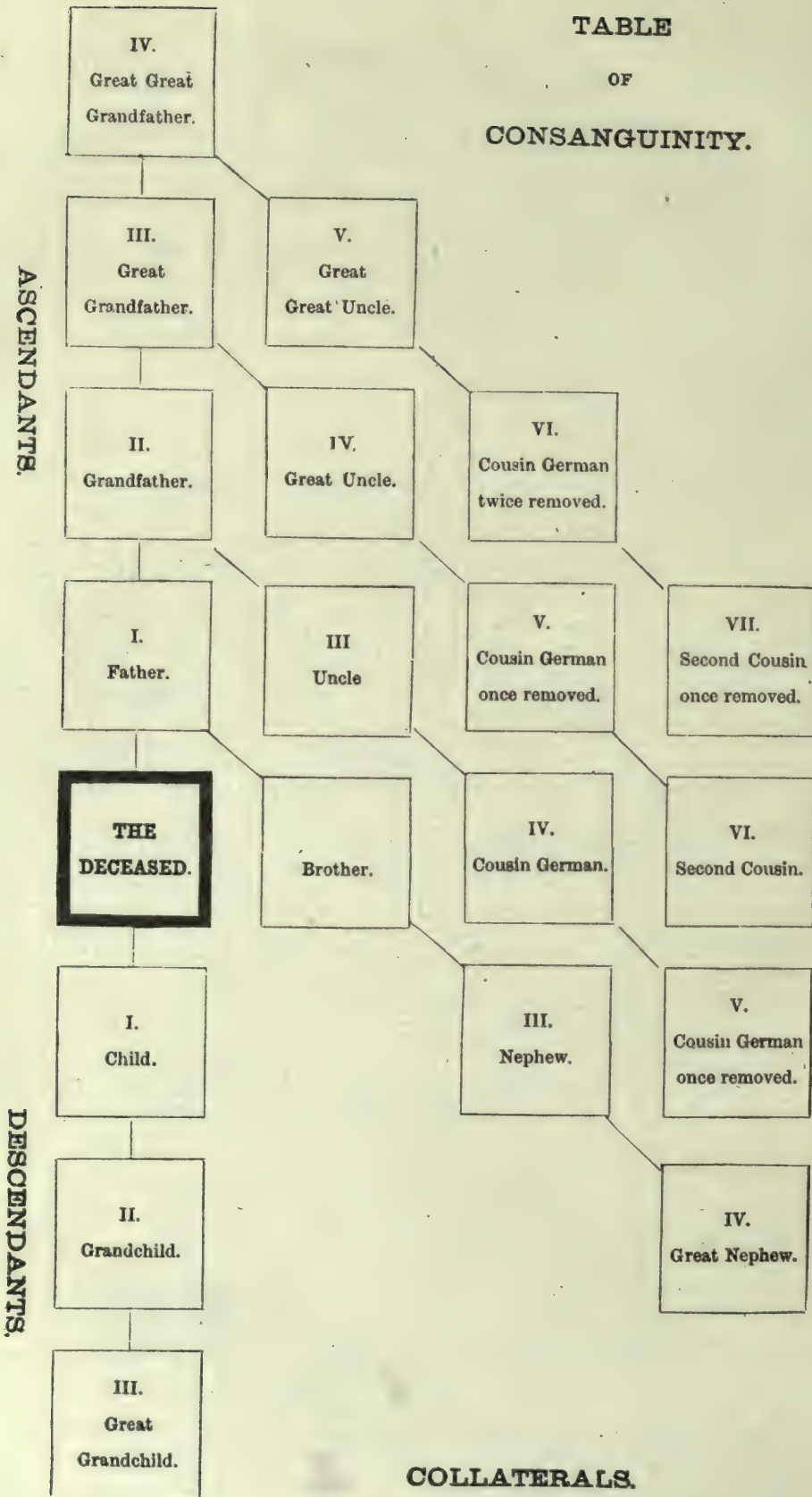
II. According to Civil or Roman Law applicable to the distribution of chattels before July 1st, 1886; now applicable to the distribution of chattels and the inheritance of lands.

1. Find the common ancestor.
2. Count one degree for each generation up to the common ancestor.
3. Count one degree for each generation down from the common ancestor to the claimant.
4. Table illustrating this computation:



6. Result:—Richard is three degrees removed and takes before James.
James being four degrees removed takes before Robert who is five degrees removed.

TABLE
OF
CONSANGUINITY.



ADDITIONAL FORMS.**PETITION FOR ADMINISTRATION DE BONIS NON.**

Unto the Surrogate Court of the County of
 The Petition of E. F. of the , of in the County
 of , humbly showeth,

THAT A. B., late of the of in the County
 of , deceased, died on or about the day of
 at , in the County of , and that the said deceased
 at the time of his death had a fixed place of abode at , in
 the County of

THAT the said deceased left no will, codicil or testamentary paper
 whatever.

THAT the deceased left him surviving the following heirs-at-law
 and next-of-kin (here give names, addresses and relationship); that C. D.
 was appointed administrator of his estate by this Court on the
 day of , as appears by the records of this Court.

THAT since the date of his appointment as administrator, aforesaid,
 to wit, on the , the said C. D. died at , leaving
 part of the estate of the said A. B. unadministered, and that in the
 interests of the said estate it is necessary that an administrator be
 appointed in his place and stead.

THAT your petitioner is a nominee of the next-of-kin of the said
 A. B.

THAT the value of the unadministered estate of the said A. B. is the
 sum of dollars, consisting of dollars, personalty
 and dollars realty, full particulars of which are shown in
 the inventories and appraisement exhibited herewith and identified by
 my signature.

WHEREFORE your petitioner prays that Administration de bonis
 non of the unadministered property of the said deceased may be granted
 and committed to him by this Honourable Court.

Dated at , this day of A.D. 191
 Petitioner.

ANCILLARY PROBATE.**PETITION**

Unto the Surrogate Court of the County of
 The Petition of A. B., late of , in the County of ,
 England (occupation).

THAT C. D., late of , in the County of ,
 England (occupation), deceased, died on or about the day
 of , at , in the County of , and
 that the said deceased had at the time of his death no fixed place of
 abode within the Province of Ontario, but died leaving property situate
 within the said Province to be administered.

THAT the said deceased in his lifetime duly made and executed
 his last will and testament bearing date the day of ,
 and that Probate thereof was granted to your petitioner, the sole executor
 therein named, by His Majesty's High Court of Justice in England at
 the Principal Probate Registry on the day of

THAT the value of the whole property of the said deceased which
 he in any way died possessed of or entitled to, situate within the Province
 of Ontario, is the sum of dollars, consisting of
 dollars personalty and dollars realty, full particulars of
 which are shown in the inventory and appraisement exhibited herewith
 and verified upon affidavit.

said deceased situate within the Province of Ontario at the time of his death, so far as I can at present ascertain.

Sworn before me, etc.

Commissioner, etc.

This affidavit is filed on behalf of the executors

by.....

His solicitor.

COMBINED AFFIDAVIT.

In the Surrogate Court of the County of

In the estate of C. D., deceased.

I, A. B., of the of in the County of,
make oath and say

(1) That the instrument now produced and shown to me and marked as Exhibit "A" to this my affidavit is to the best of my knowledge and belief an exemplification (or certified copy) of the Probate of the last will and testament of C. D., deceased, granted in His Majesty's High Court of Justice in England (Probate Division) at the Principal (or District) Probate Registry on the day of

(2) I am one of the Executors (or the Executor) therein named.

(3) That the said deceased died on or about the day of, and the said deceased at the time of his death resided out of Ontario, but died leaving property situate within the said Province to be administered.

(4) That the value of the property of the said deceased which he in any way died possessed of or entitled to, situate within the said Province of Ontario, is the sum of dollars, consisting of dollars personalty, and dollars realty, full particulars of which are shown in the inventories and appraisement exhibited herewith and verified upon affidavit.

(5) That I will faithfully administer the said property of the said testat by paying just debts and the legacies contained in Will, so far as the same will thereunto extend and the law bind me, and by distributing the residue (if any) of the said estate according to law; And that I will exhibit under oath a true and perfect inventory of all and singular the property of the testat and render a just and full account of my executorship whenever required by law so to do.

Sworn before me, etc.

ANCILLARY ADMINISTRATION.

PETITION

Unto the Surrogate Court of the County of

The petition of A. B., of the of in the
of, humbly showeth,

THAT C. D., of the of, in the of
....., England, merchant, deceased, died on or about the
day of, in the year of our Lord One thousand nine hundred
and, at, and that the said deceased
at the time of his death had no fixed place of abode within the Province
of Ontario, but died leaving property situate within the said Province to
be administered.

THAT the said deceased died leaving him surviving
(here state names of next-of-kin)
and without having left any will, codicil or testamentary paper whatever.

THAT letters of administration of the estate of the said deceased
were granted and committed unto your petitioner by His Majesty's High
Court of Justice in England (Probate Division), at Principal (or
District) Probate Registry on the day of (or were

I, A. B., of
 make oath and say that I am the applicant for Ancillary administration herein, and that the above is, to the best of my knowledge, information and belief, a true inventory and valuation of the whole property of the said deceased situate within the Province of Ontario at the time of his death, as far as I can at present ascertain.

Sworn before me, etc.

Commissioner, etc.

This affidavit is filed on behalf of the administrator

by.....
 His solicitor.

COMBINED AFFIDAVIT.

In the Surrogate Court of the County of

In the Estate of C. D., , deceased.

I, A. B., of the of , in the of ,
 make oath and say that the instrument now produced and shown to me and marked as Exhibit "A" to this my affidavit is, to the best of my knowledge, information and belief, an Exemplification (or certified copy) of Letters of Administration of the estate of , late of , in the of , granted to me (or to E. F.) by His Majesty's High Court of Justice in England on the day of

If administration granted to a person other than the applicant, then this clause:

(2) That I am the true and lawful attorney of the said E. F.

(3) That the said deceased died on or about the day of , and at the time of his death resided out of Ontario, but died leaving property situate within the said Province to be administered.

(4) That the value of the property of the said deceased which he in any way died possessed of or entitled to, situate within the said Province of Ontario, is the sum of dollars, consisting of dollars personalty, and dollars realty, full particulars of which are shown in the inventories and appraisement exhibited herewith and verified by affidavit.

(7) That I will faithfully administer the said property of the said deceased by paying just debts and distributing the residue (if any) of estate according to law; And that I will exhibit under oath a true and perfect inventory of all and singular the said property of the deceased, and render a just and true account of my administration whenever required by law so to do.

Sworn before me, etc.

POWER OF ATTORNEY BY FOREIGN ADMINISTRATOR TO TAKE OUT LETTERS OF ADMINISTRATION IN ONTARIO.

WHEREAS A. B., late of , deceased, died on or about the day of , A.D. 191 , at intestate, and letters of administration of all and singular his estate real and personal were granted by the Surrogate Court of , on the day of , A.D. 191 , to me, C. D., of .

AND WHEREAS the said , deceased, died leaving at the time of his death property in the County of in the Province of Ontario.

NOW I, the said C. D., the lawful _____ and administrator of the estate of the said A. B., do hereby nominate, constitute and appoint E. F., _____ of _____, in the County of _____ in the Province of Ontario, my true and lawful attorney for me in my name, place and stead.

1. To make application to the Surrogate Court of the said County of _____ for letters of administration of the estate of the said A. B., situate within the Province of Ontario.

2. To sign, seal and deliver in my name and as my act and deed as administrator aforesaid all documents and affidavits of whatsoever kind that may be necessary for the purposes aforesaid.

3. To be and act as the administrator of the estate of the said A. B., deceased, in the said Province of Ontario, and to do and perform all acts and to execute all documents necessary and incidental to the due administration of the said estate and, if necessary, pass his accounts as such administrator before the said Surrogate Court.

And I, the said C. D., hereby promise to ratify and confirm whatever my said attorney shall lawfully do or cause to be done in the premises.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____ day of _____, in the year of our Lord one thousand nine hundred and _____

Signed, sealed and delivered in
the presence of _____

L.S.

Affidavit of Execution by Witness.

Certificate to be given by Registrar that sufficient security has been given.

In the Surrogate Court of the County of _____

In the Estate of _____, deceased.

I, _____, the Registrar of the Court of _____, do hereby certify that on the appointment of _____ as administrator of the estate of _____ of _____, by this Court on the _____ day of _____, a bond for the sum of _____, with good and sufficient sureties was filed by _____, him _____ the said Court, which said bond is sufficient to cover as well the assets within the jurisdiction of the said Court as the assets within the Province of Ontario, that the said bond is in full force and effect and remains of record in the Registry of this Court as at this date.

Dated at _____, this _____ day of _____

Registrar of the _____ Court.

NOTICE TO BE INSERTED IN THE ONTARIO GAZETTE ON APPLICATIONS FOR ANCILLARY LETTERS AND FOR LETTERS PROBATE OR ADMINISTRATION WHEN ORIGINAL GRANT MADE BY FOREIGN COURT.

In the Surrogate Court of the County of _____

In the matter of the Estate of _____, deceased.

Notice is hereby given that after the publication hereof in one issue (or three consecutive issues) of the "Ontario Gazette," will make application to the Surrogate Court of the County of _____ for Ancillary Letters Probate (or such other grant as may be applied for) of the last will and testament of _____, late of the City of _____, in the County of _____, deceased, who died at _____ on or about the _____ day of _____, and had

at the time of his death no fixed place of abode within the Province of Ontario, but died leaving property situate within the said Province to be administered.

.....
 Executor.
 by.....
 His solicitors.

Dated at _____, this _____ day of _____, A.D. 191 _____.

EXTRACT FROM NOTICE TO ADVERTISERS.

Parties sending advertisements to be inserted in The Ontario Gazette must observe the following rules:

- 1st. Address The Ontario Gazette, 299 Queen Street West, Toronto.
- 2nd. The Gazette is published every Saturday, and all advertisements must reach the office before Friday noon, and none will be received later for the week's issue.
- 3rd. Write advertisements plainly and state number of times to be inserted.
- 4th. No advertisements will be inserted unless accompanied by the amount of fees. All cheques must be payable at par at Toronto.

5th. Rates of Advertising.

Notice to Creditors, one insertion	\$3.00
Each additional insertion .....	.75
Surrogate Court Notices, three insertions	4.00
Surrogate Court Notices, one insertion	3.00
Dissolution of Partnership, one insertion	2.00
Meeting of Companies, By-law, or Change of Name, one insertion	2.00
Each additional insertion .....	.50
Sheriff's Sale of Lands, one insertion	3.00
Application for Letters Patent, four insertions	10.00
Tax Sales, 5 lots or under, four insertions	5.00
Tax Sales (more than 5), 25 lots or under, four insertions, per lot	1.00
Tax Sales, over 25 lots, four insertions, per lot .....	.60

6th. One copy of The Gazette will be sent each week the advertisement appears, and will be included in the bill of charges. Extra copies, 10 cents each.

AFFIDAVIT PROVING INSERTION OF NOTICE IN ONTARIO GAZETTE

In the Surrogate Court of the County of _____
 In the estate of _____, deceased.

I, _____, of the _____ of _____, make oath and say that I am the applicant (or the solicitor for the applicant) to this Court for Ancillary Letters Probate of the last will and testament of _____, deceased.

That I have examined the files of the Ontario Gazette and find that the advertisement of which the annexed is a copy duly appeared in the issues of the said Ontario Gazette on the following dates, viz.:

Sworn before me, etc.

NOTICE OF APPLICATION FOR GUARDIANSHIP.
(To be inserted in a newspaper.)

In the Surrogate Court of the County of

In the matter of the Guardianship of _____ and _____,
the infant children of _____, deceased.

Notice is hereby given that after twenty days from the date hereof
A. B., of the _____ of _____, will make application to the
Surrogate Court of the County of _____ to be appointed guardian
of the person and estate of _____ and the infant children of _____,
late of _____ in the County of _____, who died at _____,
on or about the _____, testate (or intestate), without having
appointed a guardian of the said infants, the said A. B. being a lawful
of the said infants.

A. B.

By.....
His solicitors.

Dated at _____, this _____ day of _____,

Note.—This notice is inserted once only in the newspaper.

AFFIDAVIT PROVING INSERTION OF ABOVE NOTICE.

In the Surrogate Court of the County of

In the matter of the Guardianship of _____ and _____,
the infant children of _____, deceased.

I, A. B., of the _____ of _____ in the County of _____,
make oath and say that I have searched the files of the "_____"
a newspaper published within the City of _____, and find that the
notice, a copy of which is hereto annexed and marked as exhibit "A"
to this my affidavit, duly appeared in the said paper in its issue of
_____, A.D. 191_____.

Sworn before me, etc.

NOTICE TO CREDITORS.

In the matter of the estate of _____, late of the _____
of _____, in the County of _____, merchant, deceased.

Notice is hereby given, pursuant to section 56 of the Trustees Act,
R.S.O. 1914, Chap. 121, that all creditors and others having claims or
demands against the estate of the said _____, who died on or
about the _____ day of _____, at the _____ of _____,
are required, on or before the _____ day of _____, to send by
post, prepaid, or deliver to the _____, the executor of
the last will and testament of the said deceased, their Christian names
and surnames, addresses and descriptions, the full particulars, in writing,
of their claims, a statement of their accounts, and the nature of the
security, if any, held by them.

And take notice that after such last mentioned date the said executor
will proceed to distribute the assets of the said deceased among the
parties entitled thereto, having regard only to the claims of which it
shall then have notice, and that the said executor will not be liable
for the said assets or any part thereof to any person or persons of whose
claim notice shall not have been received by it at the time of such
distribution.

Solicitor for the said Executor.

Dated at _____, this _____ day of _____

There is no statutory length of notice to be given to creditors, but the Court must be satisfied that reasonable notice has been given.

CONTESTATION OF CLAIMS AGAINST ESTATES.

R.S.O. 1914, Chap. 62, s. 69.

The following notice contesting a claim made under this section to be served upon a claimant by executors or administrators.

NOTICE.

Under The Surrogate Courts Act, R.S.O. 1914, Chap. 62, Sec. 69.

The _____ of the estate of _____, late of the _____ of _____, in the County of _____, hereby gives you notice, pursuant to section 3 of chapter 18 of the Statutes of Ontario for 1911, being an Act to amend The Surrogate Courts Act, that it intends to avail itself of the said section, and that it contests the claim made by you against the said estate in whole or in part, namely, as regards

You may apply to the Judge of the Surrogate Court of the County of _____ (or if your claim amounts to not more than \$100.00 and is otherwise within the jurisdiction of the Division Court you may apply to the Judge of the _____ Division Court of the County of _____) for an order allowing your claim and determining the amount thereof; and if you do not make such application within thirty days after the receipt of this notice, or within such further time as the said Judge either before or after the expiration of the thirty days may allow, you shall be deemed to have abandoned your claim and the same or so much thereof as is contested shall be for ever barred.

Dated this _____ day of _____, A.D. 191 _____
Administrators.

ORDER BY SURROGATE JUDGE APPOINTING DATE FOR HEARING PROOF OF CLAIM.

In the Surrogate Court of the County of _____

In the matter of the Estate of _____, deceased, and the claim of _____ against said Estate.

UPON THE APPLICATION OF _____, a claimant against the estate of _____, deceased, for an order under R.S.O. 1914, Chap. 62, Sec. 69,

I HEREBY APPOINT _____, the _____ day of _____, A.D. 191 _____, at the hour of _____ o'clock in the _____ noon, at my Chambers in the Court House, _____, to hear proof of the said claim, and I DO FURTHER ORDER that a copy of this Order be served upon _____ the _____, of the Estate of the said _____ and on _____

Dated at Chambers, at the _____ of _____, this _____ day of _____, A.D. 191 _____

Surrogate Judge.

The above Order to be served upon the personal representative of the estate, upon the Official Guardian, when there are infants interested, and upon such persons beneficially interested in the estate, as the Judge may determine, not less than seven days' notice being given.

AFFIDAVIT OF HANDWRITING.

In the Surrogate Court of the County of

In the Estate of _____, deceased.

I, C. D., of _____ of _____, make oath and say as follows:

Now shown to me and marked as Exhibit to this my affidavit, what purports to be the last will and testament of A. B., deceased.

That I knew and was well acquainted with the said A. B. (or with _____, one of the subscribing witnesses to the execution of the said will who died on or about the (here state such other circumstance as prevents witnesses from making affidavit of execution), for many years, and that during such period I have frequently seen him write and subscribe his name to writings, and I have thereby become well acquainted with his manner and character of handwriting, and I say that I verily believe the name A. B. set and subscribed in execution of the said will (or as one of the attesting witnesses to the execution of the said will) is the true and proper signature of the said _____.

Sworn before me, etc.

AFFIDAVIT TO LEAD ORDER CANCELLING ADMINISTRATION BOND.

In the Surrogate Court of the County of York.

In the Estate of _____, deceased.

I, _____, of _____, make oath and say as follows:—

That I was appointed administrator of the estate of _____, deceased, by this Court, on or about the _____ day of _____, as appears by the records of this Court.

That I have fully administered the estate of the said _____ by paying his just debts, funeral and testamentary expenses, that I have advertised for creditors and paid all claims made against the said estate, and distributed the residue among those entitled thereto. Annexed to this affidavit and marked as exhibits thereto are discharges by the various beneficiaries in my favor;

That I am desirous of getting off the files of the Court the Administration Bond filed by me on my appointment as administrator, and have the same duly cancelled.

Sworn before me, etc.

ORDER CANCELLING ADMINISTRATION BOND.

In the Surrogate Court of the County of

In the Estate of _____, deceased.

UPON READING THE AFFIDAVIT OF _____, and upon hearing the solicitor in his behalf, and it appearing that the said _____ has fulfilled his duties as administrator of the estate of _____, and that the said estate is now fully administered, I DO HEREBY ORDER that the Administration Bond filed by the said _____, be taken off the files of this Court and delivered by the Registrar to the said _____ for cancellation.

Dated at _____, this _____ day of _____

Surrogate Judge.

AFFIDAVIT TO LEAD ORDER TO BRING IN AND PASS ACCOUNTS.

In the Surrogate Court of the County of

In the Estate of , deceased.

I, C. D., of , in the County of , make oath and say as follows:—

That A. B., late of , in the County of , died at , on or about the day of , A.D. 191 , and had at the time of his death his fixed place of abode at

That on or about the day of , E. F. and G. H. were appointed administrators (or executors) of his estate by this Court, as appears from the records thereof.

That I am a lawful son (or a beneficiary under the will, or a lawful creditor) of the said A. B., and as such, am entitled to a share in his estate.

That up to the present time I have not received any portion of my share of the said estate, and that although I have frequently applied to the said E. F. and G. H. for payment thereof they refuse or delay to give me the same or any information regarding the assets of the said estate.

That I have searched the records of this Court and find that the said E. F. and G. H. have not passed their accounts as administrators (or executors) of the said estate, and I desire that this Court should now order them forthwith to do so.

Sworn before me, etc.

Note.—Where properly marked exhibits are referred to in an affidavit filed and are not annexed thereto, such exhibits need not be filed, but shall be left for the use of the Court, and shall be handed out on the disposal of the motion, unless otherwise ordered. C.R. 299.

ORDER BY JUDGE OF THE SURROGATE COURT TO EXECUTORS OR ADMINISTRATORS TO BRING IN AND PASS ACCOUNTS.

In the Surrogate Court of the County of York.

In the matter of the Estate of , deceased.

To

Upon the application of , and upon hearing read her affidavit, and upon hearing what was alleged, and it appearing that on or about the day of , Probate of the last will and testament of the said , deceased, was issued to you by this Court, and it further appearing that since that date you have made no accounting to the said Court of your dealings with the said estate as executors of the last will and testament of the said , deceased.

It is ordered that you and each of you, the said , do, within days of the service of this Order upon you and each of you, inclusive of the day of such service, cause an appearance to be entered for you and each of you in the Registry of our said Court, and by virtue of your oath, bring in and leave in our said Registry upon oath a true and perfect inventory and accounting of all your dealings as such executors of the estate of said , deceased.

It is further ordered that service of this Order may be effected upon the said , by mailing a copy of this order in a pre-paid registered envelope addressed to him at his place of residence in , and by serving a copy of this order on the said

for the said

Dated at Toronto, this day of , 191

Surrogate Judge.

ORDER OF COURT PURSUANT TO THE PROVISIONS OF SURROGATE COURT RULE NO. 27.

In the Surrogate Court of the County of

In the Estate of , deceased.

Between

and , Plaintiff, , Defendant.

Upon the application of the above named plaintiff for probate of the Will of , deceased, dated the day of . Upon reading the caveat and affidavit filed herein, the warning to the said Caveat and the appearance thereto filed, and upon application for directions under Surrogate Court Rule No. 27,

I HEREBY ORDER that and be added as parties defendant in the above action and that a citation issue out of the Registry of this Court to them accordingly;

AND I DO FURTHER ORDER the production of all necessary documents by either parties to this action (and provide for examination for discovery, if the Judge so orders).

AND I DIRECT that the issue to be tried in this action shall not be whether the said , deceased, the testator, was or was not at the date of execution of the said Will of testamentary capacity (or was induced to make the said Will by undue influence and fraud, or such other issue as the Judge may direct for trial);

AND I HEREBY APPOINT the day of 191 , at o'clock in the noon, in the Court House at , for the trial of the above issue (or issues) and direct that a copy of this order and appointment be served at least ten days before the said date of trial upon all parties hereto.

Dated at , this day of , 191 . Surrogate Judge.

JUDGE'S ORDER FOR DISCONTINUANCE OF CONTENTIOUS PROCEEDINGS.

In the Surrogate Court of the County of

In the Estate of , deceased.

Between

and Plaintiff, Defendant.

Upon hearing the , and by consent, I do order that the contentious proceedings in the above suit arising from Caveat filed on the day of , be discontinued, and that probate of the will of , of , the deceased herein, be granted to , the plaintiff (or defendant) in this if entitled thereto.

Dated at , this day of Surrogate Judge.

ORDER OF JUDGE GRANTING PROBATE IN LESS THAN SEVEN DAYS OR ADMINISTRATION IN LESS THAN FOURTEEN DAYS FROM THE DATE OF DEATH. SEE SURROGATE COURT RULE NO. 3.

In the Surrogate Court of the County of Before His Honour

Surrogate Judge.

In the estate of _____, late of the _____ of _____, deceased.

Upon the application of the solicitor on behalf of the applicant for Letters of Administration in the estate of _____, and upon reading the affidavit of _____, the applicant for Letters of Administration. It is hereby ordered and directed that administration of the property of the deceased be forthwith granted and committed to the said _____ by this Honourable Court without waiting for the elapse of fourteen days from the death of the deceased.

And it is further ordered that any other rules, orders or procedures of this or other formalities required by the Surrogate Courts Act, or the rules or procedures thereof, be and the same are hereby dispensed with so that administration may be granted forthwith.

Surrogate Judge.

ANCILLARY PROBATE.

In His Majesty's Surrogate Court of the County of York.

Be it known that on the _____ day of _____, A.D. _____, the said will and testament of _____, deceased, who died on or about the _____ day of _____, A.D. 191____, at _____, and who at the time of his death had no fixed place of abode within the Province of Ontario but died leaving property in said Province to be administered was proved and registered by _____, the execut _____ named in the will _____, a true copy of which last will and testament _____ being hereunder written.

And be it further known that on the _____ day of _____, in the year of our Lord one thousand nine hundred and _____, the said last will and testament _____ of the said _____, deceased, was proved and registered in His Majesty's Surrogate Court of the County of York, and that the administration of all and singular the property of the said deceased situate within the Province of Ontario and any way concerning his will _____ was granted by the afore-said Surrogate Court to _____, the execut _____ named in the will _____, he having been first sworn well and faithfully to administer the same by paying the just debts of the deceased and legacies contained in his will _____ so far as he thereunto bound by law and by distributing the residue (if any) of the property according to law and to render a just and true account of his executorship whenever thereunto lawfully required.

Witness His Honour (name of Judge), Judge of the said Surrogate Court at the _____ of _____, in the County of _____, the day and year first above written.

By the Court _____

Registrar.

ANCILLARY LETTERS OF ADMINISTRATION.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Be it known that on the _____ day of _____, in the year of our Lord one thousand nine hundred and _____, letters of administration of all and singular the property of _____, late of _____, deceased, who died on or about the _____ day of _____,

one thousand nine hundred and _____, at _____, and who at the time of his death had no fixed place of abode within the Province of Ontario but died leaving property situate within the said Province to be administered were granted by the _____ Court of the County of _____, to _____, of the said intestate _____.

And be it further known that on the _____ day of _____, in the year of our Lord one thousand nine hundred and _____, ancillary letters of administration of all and singular the property of the said _____, deceased, situate within the Province of Ontario, were granted by the Surrogate Court of the County of _____, to the said _____ (or to _____ of _____, the true and lawful attorney of the said _____), he having been sworn well and faithfully to administer the same by paying the just debts of the deceased and by distributing the residue (if any) of his property according to law and to exhibit under oath, a true and perfect inventory of all and singular the said property and to render a just and true account of his administration whenever thereunto lawfully required.

Witness His Honour (name of Judge), Judge of the said Surrogate Court at the _____ of _____, in the County of _____, the day and year first above written.

By the Court

Registrar.

RESEALING LETTERS PROBATE OR ADMINISTRATION.

The following endorsement is written on the Letters Probate or Administration which have been ordered to be resealed.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Sealed with the Seal of the Surrogate Court of the County of _____, by Order of the said Court, dated the _____ day of _____, one thousand nine hundred and _____, pursuant to the provisions of the Statute (R.S.O. 1914, Chap. 62, Sec. 74) respecting Ancillary Letters Probate and Letters of Administration.

Dated at _____, the day and year above mentioned.
Registrar of the Surrogate Court of the County of _____.

LETTERS OF ADMINISTRATION GRANTED TO ATTORNEY GENERAL.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of York.

Be it known that on the _____ day of _____, in the year of our Lord one thousand nine hundred and _____, Letters of Administration of all and singular the property of _____, late of the _____ of _____, in the County of _____, deceased, who died intestate on or about the _____ day of _____, one thousand nine hundred and _____, and had at the time of _____ death his fixed place of abode at the _____ of _____, in the County of _____, were granted by His Majesty's Surrogate Court of the County of _____, to _____, His Majesty's Attorney General for the Province of Ontario in pursuance of a Warrant under the Privy Seal of His Honour the Lieutenant Governor of Ontario, dated the _____ day of _____, one thousand nine hundred and _____, he being thereby bound to

administer the estate of the said intestate by paying his just debts and distributing the residue (if any) of his property according to law and to exhibit under oath a true and perfect inventory of all and singular the said property and to render a just and true account of his administration whenever thereunto lawfully required.

Witness His Honour _____, Judge of the said Surrogate Court at _____, the day and year first above written.

By the Court.

Registrar.

ADMINISTRATION AD LITEM.

Canada:
Province of Ontario.

In His Majesty's Surrogate Court of the County of _____

Be it known that the _____ day of _____, in the year of our Lord one thousand nine hundred and _____, Letters of Administration Ad Litem of all and singular the property of _____, late of the _____ of _____, in the County of _____, deceased, who died on or about the _____ day of _____, A.D. 191____, at the said _____ of _____, and who at the time of his death had a fixed place of abode at the said _____ of _____, were granted by His Majesty's Surrogate Court of the County of York to _____, of the said _____ of _____ of the _____ of _____, in the County of _____, the executors therein named, pending the settlement of litigation at present in the Supreme Court of Ontario, affecting the will and the estate of the said _____, they having been first sworn faithfully to administer the same by paying his just debts according to law, and to exhibit under oath a true and perfect inventory of all and singular the said property, and to render a just and true account of their administration whenever thereunto lawfully required.

Witness His Honour _____, Judge of the said Surrogate Court at _____, the day and year first above written.

By the Court.

Registrar.

WILL OF A MARRIED MAN GIVING LIFE INTEREST OF HIS ESTATE TO WIFE AND REMAINDER TO CHILDREN.

This is the last will and testament of me,

I give and devise to my dear wife, _____, all my estate and effects, real and personal, of what nature or kind soever, to hold and enjoy during her life, but as to estates vested in me upon trust or by way of mortgage subject to the trusts and equities affecting the same respectively, and after her death to and amongst my child or children and their issue, in such shares, manner and proportions, including the right to exclude any one or more or the issue of any one or more of such child or children as she may by her will, or by any instrument in writing, signed by her, direct or appoint. And in default of any such direction or appointment, or so far as the same shall not extend, to be divided among my said children and their issue share and share alike per stirpes.

And I give to my said wife full power and authority to sell, lease, mortgage, exchange and absolutely dispose of all or any part of my said estate and effects, real and personal, as she may think proper, to make such leases for such terms and periods renewable perpetually or otherwise as she may desire, and to sell for ready money, or upon credit for such terms and conditions as to payment of purchase money or security therefor and in all other respects as she may think proper. And to execute and sign for the purposes aforesaid or any of them or in connection therewith all such deeds, leases, agreements and writings as may be requisite or proper.

And to invest any moneys arising from such sales, leases or dispositions in such Government stocks or securities, mortgages of real estate, stocks or bonds or debentures of Loan and Savings Companies or Building Societies or of Corporations or of Railway Companies or of Chartered Banks or in Municipal debentures, and as to all the said securities either in the Dominion of Canada or in any British Colony or in Great Britain or in the United States of America, as she may think proper. And from time to time, as she may think fit, to call in any such moneys so invested and to reinvest them in any other securities of the same or a similar character. And I authorize and empower my said wife at any time in her discretion to apply a sum not exceeding dollars of the principal money of my estate and effects hereby devised for and towards the advancement, preferment or benefit of any one and of each one of my said children or the issue of any one of my children as she may think fit.

And I appoint my said wife executrix of this my will. And I hereby revoke all testamentary writings heretofore executed by me.

Signed by the said
as his last will, in the presence of us, who
at his request, in his sight and presence,
and in the presence of each other, have
subscribed our names as attesting witnesses
this day of .

AFFIDAVIT OF SERVICE.

In the Surrogate Court of the County of York.

In the matter of the estate of , deceased.

I, * , of , in the County of ,
make oath and say:

1. That I did on day, the day of ,
one thousand nine hundred and , personally serve
with a true copy of the hereunto annexed, by delivering
such copy to, and leaving the same with , at .

Sworn before me at the of , in the
of , this day of , 191 .

A Commissioner for taking Affidavits, etc.

STERLING EXCHANGE

For Custom House purposes Sterling Exchange is rendered into Canadian Money at 9½ per cent. Advance. This is called the Par of Exchange. The following Table will give the desired results:—

STERLING EXCHANGE, INTO				EXCHANGE 9½% PREMIUM							DOMINION MONEY				
£	DOLLARS			£	DOLLARS			S.D.	DOLLS.	S.D.	DOLLS.	S.D.	DOLLS.	S.D.	DOLLS.
1	4.86	66	7	51	248.20	00	0			5.0	1.21.7	10.0	2.43.3	15.0	3.65.0
2	9.73	33	3	52	253.06	66	7	1	0.02.0	1	1.23.7	1	2.45.4	1	3.67.0
3	14.60	00	0	53	257.93	33	3	2	0.04.1	2	1.25.7	2	2.47.4	2	3.69.1
4	19.46	66	7	54	262.80	00	0	3	0.06.1	3	1.27.8	3	2.49.4	3	3.71.1
5	24.33	33	3	55	267.66	66	7	4	0.08.1	4	1.29.8	4	2.51.4	4	3.73.1
6	29.20	00	0	56	272.53	33	3	5	0.10.1	5	1.31.8	5	2.53.5	5	3.75.1
7	34.06	66	7	57	277.40	00	0	6	0.12.2	6	1.33.8	6	2.55.5	6	3.77.2
8	38.93	33	3	58	282.26	66	7	7	0.14.2	7	1.35.9	7	2.57.5	7	3.79.2
9	43.80	00	0	59	287.13	33	3	8	0.16.2	8	1.37.9	8	2.59.6	8	3.81.2
10	48.66	66	7	60	292.00	00	0	9	0.18.3	9	1.39.9	9	2.61.6	9	3.83.3
								10	0.20.3	10	1.41.9	10	2.63.6	10	3.85.3
								11	0.22.3	11	1.44.0	11	2.65.6	11	3.87.3
11	53.53	33	3	61	296.86	66	7								
12	58.40	00	0	62	301.73	33	3	1.0	0.24.3	6.0	1.46.0	11.0	2.67.7	16.0	3.89.3
13	63.26	66	7	63	306.60	00	0	1	0.26.4	1	1.48.0	1	2.69.7	1	3.91.4
14	68.13	33	3	64	311.46	66	7	2	0.28.4	2	1.50.1	2	2.71.7	2	3.93.4
15	73.00	00	0	65	316.33	33	3	3	0.30.4	3	1.52.1	3	2.73.8	3	3.95.4
								4	0.32.4	4	1.54.1	4	2.75.8	4	3.97.4
								5	0.34.5	5	1.56.1	5	2.77.8	5	3.99.5
16	77.86	66	7	66	321.20	00	0	6	0.36.5	6	1.58.2	6	2.79.8	6	4.01.5
17	82.73	33	3	67	326.06	66	7	7	0.38.5	7	1.60.2	7	2.81.9	7	4.03.5
18	87.60	00	0	68	330.93	33	3	8	0.40.6	8	1.62.2	8	2.83.9	8	4.05.6
19	92.46	66	7	69	335.80	00	0	9	0.42.6	9	1.64.3	9	2.85.9	9	4.07.6
20	97.33	33	3	70	340.66	66	7	10	0.44.6	10	1.66.3	10	2.87.9	10	4.09.6
								11	0.46.6	11	1.68.3	11	2.90.0	11	4.11.6
21	102.20	00	0	71	345.53	33	3								
22	107.06	66	7	72	350.40	00	0	2.0	0.48.7	7.0	1.70.3	12.0	2.92.0	17.0	4.13.7
23	111.93	33	3	73	355.26	66	7	1	0.50.7	1	1.72.4	1	2.94.0	1	4.15.7
24	116.80	00	0	74	360.13	33	3	2	0.52.7	2	1.74.4	2	2.96.1	2	4.17.7
25	121.66	66	7	75	365.00	00	0	3	0.54.8	3	1.76.4	3	2.98.1	3	4.19.8
								4	0.56.8	4	1.78.4	4	3.00.1	4	4.21.8
								5	0.58.8	5	1.80.5	5	3.02.1	5	4.23.8
26	126.53	33	3	76	369.86	66	7	6	0.60.8	6	1.82.5	6	3.04.2	6	4.25.8
27	131.40	00	0	77	374.73	33	3	7	0.62.9	7	1.84.5	7	3.06.2	7	4.27.9
28	136.26	66	7	78	379.60	00	0	8	0.64.9	8	1.86.6	8	3.08.2	8	4.29.9
29	141.13	33	3	79	384.46	66	7	9	0.66.9	9	1.88.6	9	3.10.3	9	4.31.9
30	146.00	00	0	80	389.33	33	3	10	0.68.9	10	1.90.6	10	3.12.3	10	4.33.9
								11	0.71.0	11	1.92.6	11	3.14.3	11	4.36.0
31	150.86	66	7	81	394.20	00	0								
32	155.73	33	3	82	399.06	66	7	3.0	0.73.0	8.0	1.94.7	13.0	3.16.3	18.0	4.38.0
33	160.60	00	0	83	403.93	33	3	1	0.75.0	1	1.96.7	1	3.18.4	1	4.40.0
34	165.46	66	7	84	408.80	00	0	2	0.77.1	2	1.98.7	2	3.20.4	2	4.42.1
35	170.33	33	3	85	413.66	66	7	3	0.79.1	3	2.00.8	3	3.22.4	3	4.44.1
								4	0.81.1	4	2.02.8	4	3.24.4	4	4.46.1
								5	0.83.1	5	2.04.8	5	3.26.5	5	4.48.1
36	175.20	00	0	86	418.53	33	3	6	0.85.2	6	2.06.8	6	3.28.5	6	4.50.2
37	180.06	66	7	87	423.40	00	0	7	0.87.2	7	2.08.9	7	3.30.5	7	4.52.2
38	184.93	33	3	88	428.26	66	7	8	0.89.2	8	2.10.9	8	3.32.6	8	4.54.2
39	189.80	00	0	89	433.13	33	3	9	0.91.3	9	2.12.9	9	3.34.6	9	4.56.3
40	194.66	66	7	90	438.00	00	0	10	0.93.3	10	2.14.9	10	3.36.6	10	4.58.3
								11	0.95.3	11	2.17.0	11	3.38.6	11	4.60.3
41	199.53	33	3	91	442.86	66	7								
42	204.40	00	0	92	447.73	33	3	4.0	0.98.3	9.0	2.19.0	14.0	3.40.7	19.0	4.62.3
43	209.26	66	7	93	452.60	00	0	1	0.99.4	1	2.21.0	1	3.42.7	1	4.64.4
44	214.13	33	3	94	457.46	66	7	2	1.01.4	2	2.23.1	2	3.44.7	2	4.66.4
45	219.00	00	0	95	462.33	33	3	3	1.03.4	3	2.25.1	3	3.46.8	3	4.68.4
								4	1.05.4	4	2.27.1	4	3.48.8	4	4.70.4
								5	1.07.5	5	2.29.1	5	3.50.8	5	4.72.5
46	223.86	66	7	96	467.20	00	0	6	1.09.5	6	2.31.2	6	3.52.8	6	4.74.5
47	228.73	33	3	97	472.06	66	7	7	1.11.5	7	2.33.2	7	3.54.9	7	4.76.5
48	233.60	00	0	98	476.93	33	3	8	1.13.6	8	2.35.2	8	3.56.9	8	4.78.6
49	238.46	66	7	99	481.80	00	0	9	1.15.6	9	2.37.3	9	3.58.9	9	4.80.6
50	243.33	33	3	100	486.66	66	7	10	1.17.6	10	2.39.3	10	3.60.9	10	4.82.6
								11	1.19.6	11	2.41.3	11	3.63.0	11	4.84.6

NON-CONTENTIOUS BUSINESS.

SURROGATE COURT FEES (approximately) and SOLICITORS' FEES according to Surrogate Court Tariff.

AMOUNT OF PERSONAL ESTATE	Surrogate Court Fees		Solicitors' Fees		
	On application for Probate, &c.	On passing Accounts	On preparing application for Probate, &c.	For services under Succes- sion Duty Act	On passing account receipts only
\$400 and under	\$ 2.40	\$7.50	\$10.00	\$ 5.00	
\$400 to \$1,000	8.80	7.50	10.00	5.00	\$25.00
over \$1,000 (realty only)	16.00	7.50			
between \$1,000 and \$2,000	18.00	7.50	15 00	5.00	25.00
under \$ 3,000	20.00	7.50	15 00	5.00	30.00
" 4,000	22.00	7.50	15 00	5.00	30.00
" 5,000	22.50	7.50	15.00	5.00	30.00
" 6,000	25 00	7.50	20.00	10.00	40.00
" 7,000	27.50	7.50	20.00	10.00	40.00
" 8,000	30.00	7 50	20.00	10.00	40.00
" 9,000	32.50	7.50	20 00	10.00	40.00
" 10,000	35.00	7 50	20.00	10.00	40.00
" 11,000	37.50	8.00	30.00	10.00	50.00
" 12,000	43.00	8.00	30.00	10.00	50.00
" 13,000	45.50	8.00	30.00	10.00	50.00
" 14,000	48.00	8.00	30.00	10.00	50 00
" 15,000	50.50	8.00	30.00	10.00	50.00
" 16,000	53.00	8.00	30.00	10.00	50.00
" 17,000	55.50	8.00	30.00	10.00	50.00
" 18,000	58.00	8.00	30 00	10.00	50.00
" 19,000	60.50	8.00	30.00	10 00	50.00
" 20,000	63.00	8.00	30.00	10.00	50.00
" 21,000	65.50	8.00	50.00	10.00	75.00
" 22,000	68.00	8.00	50.00	10.00	75.00
" 23,000	70.50	8 00	50.00	10.00	75.00
" 24,000	73.00	8 00	50 00	10.00	75.00
" 25,000	75.50	8.00	50.00	10.00	75 00
" 26,000	78.00	8.00	50.00		75.00
" 27,000	80.50	8.00	50.00		75 00
" 28,000	83 00	8.00	50.00	Where duty is payable, in addition to above, for further ser- vice \$20. See Tariff on page 18.	75.00
" 29,000	85.50	8.00	50.00		75.00
" 30,000	88.00	8.00	50.00		75.00
up to \$50,000	\$1.50 per \$1,000 in addition to above.	8 00	50 00		75.00
\$50,000 to \$100,000	"	8.50	75.00		100.00
over \$100,000	"	8.50	100.00		See Tariff on page 18.

NOTE.—The above Surrogate Court fees are an approximate estimate only and are based on the value of the personal estate situate within Ontario on an application for Probate of a will of three folios. Fees for Letters of Administration are practically the same as these. If the Will be longer than three folios add 10 cents per folio on the addition to the above figures.

FEES ON PASSING ACCOUNTS.

Surrogate Court County of York.

	Judge	Registrar
Receiving and examining petition for audit.....		\$.50
Special attendance granting appointment to pass accounts	\$1.00	
Appointment .....	.50	
Attendance auditing accounts x Accounts under \$10,000, 1 Hr.	1.00	1.00
Attendance settling compensation	1.00	
Order on passing .....	.50	.50
Taxation of costs		1.00
Filings (say five) .....		.50
	\$4.00	\$3.50
Judge	\$4.00	
Registrar	\$3.50	
	\$7.50	

x When accounts are under \$1,000, not more than \$2 for Judge's fees to be charged per day.

When accounts over \$1,000, and under \$10,000, not more than \$5 for Judge's fees to be charged per day.

Accounts over \$10,000 and under \$50,000, 1st Hr. \$8.00
\$1.50 for each additional hour for Judge's fees and these not to exceed \$6.00 per day.

Accounts over \$50,000, 1st Hr. \$8.50
\$2.00 for each additional hour for Judge's fees and these not to exceed \$10.00 per day.

SCHEDULE OF FEES PAYABLE TO THE CROWN AND JUDGES
PURSUANT TO THE SURROGATE COURTS ACT.

Schedule A.

FEES PAYABLE TO THE CROWN.

1

On proceedings in the offices of Registrars.

	\$	c.
On every application for probate, administration or guardianship (including notice thereof to Surrogate Clerk, but not postage) ..	0	50
On certificate of Surrogate Clerk upon such application (including transmission to Registrar, but not postage)	0	50
On every instrument or process with seal of Court	0	50
Entry and notification of caveat (not including postage)	0	50
On every grant of probate or administration, as follows, viz.:		
Where the property devolving does not exceed \$1,000	0	50
For every additional \$1,000 or fraction thereof	0	50
On every final judgment in contentious or disputed cases	1	00
On deposit of a will for safe custody	0	50

2

On proceedings in the office of the Surrogate Clerk.

The following fees shall be payable notwithstanding anything contained in Section 73 of this Act or in Section 73 of The Surrogate Courts Act:—

	\$ c.
On every search for grant of probate, administration, guardianship, or other matter in Clerk's office (other than searches on application of Registrars)	0 50
On every certificate of search or extract	1 00
(If exceeding three folios, 10 cents for each additional folio.)	
On every certificate respecting other application or caveat, where the necessary search does not extend beyond three years	0 50
Where the necessary search extends beyond three years, 10 cents additional for every year beyond three years.	
On every certificate, where the whole estate does not exceed in value \$400; or where the estate consists of insurance money only, not exceeding \$400	0 30
On every other certificate issued by the Clerk	0 50
On every order made on application to a Judge of the High Court Division and transmission of same, inclusive of postage	0 80
On entry of every appeal	1 00
On every judgment on appeal and transmission, exclusive of postage	3 00
On entry of caveat	0 50
On every judgment or order on appeal	2 50

Schedule B.
FEES PAYABLE TO JUDGE.

On every grant of probate or administration:	
Where the property devolving does not exceed \$1,200.....	2 00
Where the property devolving exceeds \$1,200 but does not exceed \$3,000	3 00
Where the property devolving exceeds \$3,000 but does not exceed \$4,000	4 00
And for every additional \$1,000, or fraction thereof, the additional sum of	1 00
On every appointment of a guardian	2 00
On every order or appointment	0 50
On every special attendance or attendance to grant probate or administration or upon an appointment when an audit is adjourned	1 00
On every audit where the total of the accounts to be audited does not exceed \$1,000	1 00
Per hour, but not to exceed \$2.00 on any day.	
On every audit where such total exceeds \$1,000, but is under \$10,000	1 00
Per hour, but not to exceed \$5.00 on any day.	
On every audit where such total is or exceeds \$10,000, but is under \$50,000	1 50
Per hour, but not to exceed \$6.00 on any day.	
On every audit where such total is or exceeds \$50,000	2 00
Per hour, but not to exceed \$10.00 on any day.	
For every day's sitting in contentious or disputed cases, similar fees to those allowed in cases of audit.	
R.S.O. 1914, Chap. 62, Schedule attached.	

SAMPLE FEE SHEET, PERSONAL ESTATE \$3,500.

PROCEEDINGS	FEES OF		CROWN FEES
	Registrar	Judge	
1. For services rendered under Sec. 73, ss 1, of Surrogate Courts Act, where value of property does not exceed \$400 .....	.....	.....	.....
2. Receiving and examining papers and entering application	1 00	.....	50
3. Notice to Surrogate Clerk	25	.....	.....
4. Return of grant to Surrogate Clerk	25	.....	.....
5. Certificate of Surrogate Clerk .....	.....	.....	50
6. Receiving and entering same	25	.....	.....
7. Recording Bond, with affidavits of justification and execution .....	.....	.....	.....
8. Recording additional separate affidavits of ditto .....fol., 10c. per fol. ....	.....	.....	.....
9. Fiat on Bond .....	.....	.....	.....
10. Grant—Value of Personal Property under \$4,000: \$3,500 Realty nil.....	4 00	4 00	2 00
11. Attendance to grant Probate or Letters of Administration .....	.....	1 00	.....
12. Submitting Papers with Registrar's Report thereon to lead grant	50	.....	.....
13. Preparing Probate or Letters of Administration issued under Seal of Court	2 00	.....	50
14. Preparing Letters of Guardianship issued under Seal of Court .....	.....	.....	.....
15. Certificate of Search for Will (Administration applications only) .....	.....	.....	.....
16. Recording Grant or other Instrument or Letters of Guardianship (including Will in case of Probate or Administration with Will annexed ...6 fol.....10c. per fol.	60	.....	.....
17. Transcript of Will (attached to Grant) 3 fol.....10c. per fol.	30	.....	.....
18. Certificate Copy of Will for Surrogate Clerk 3 fol.....10c. per fol.	30	.....	.....
19. Attending and entering every Order or Minute	50	50	.....
20. Taking every affidavit and administering oath to witness .....	.....	.....	.....
21. Drawing Special Order or other papers directed by Judge .....	.....	.....	.....
22. Writing necessary letters .....25c. each .....	.....	.....	.....
23. Services under Succession Duty Act:			
Receiving and examining Affidavits and Schedules and entering application	1 00	.....	.....
Notice to Provincial Treasurer	25	.....	.....
Notice to Solicitor to Treasury	25	.....	.....
Receiving and entering Consent of Solicitor to Treasury	25	.....	.....
24. Filings (including those under Succession Duty Act) .....14, 10c. each	1 40	.....	.....
25. Postage	10	.....	.....
	\$ 13 20	5 50	3 50
Judge.....	\$	5 50	
Crown Fees.....		3 50	
Registrar.....		13 20	
	\$	22 20	

SURROGATE COURT FEES—WHEN ESTATE CONSISTS OF
INSURANCE MONEYS.

Fees—where the whole property of the deceased, or of the ward, consists of insurance money and wearing apparel, although general letters probate, general letters of administration, or letters of guardianship are sought, the fees payable thereon shall be as follows:

Where the insurance money does not exceed \$1,000	\$4.00
Where the insurance money exceeds \$1,000, but does not exceed \$2,000	6.00
Where the insurance money exceeds \$2,000, but does not exceed \$3,000	8.00

R.S.O. 1914, Chap. 62, sec. 73, ss 4.

There is an additional fee of 50c. to the above amounts, required by Schedule "A," fees payable to the Crown, appended to the Surrogate Courts Act.

ON FILING A CAVEAT.

Receiving, entering and filing Caveat .....	.50
Notice to Surrogate Clerk of Caveat (items 33 and 34 Surrogate Court tariff, p. 20) .....	.50
Entry and notification of Caveat .....	.50
Entry of Caveat .....	.50
Filing affidavit .....	.10
	\$2.10

Fees payable to Crown, Schedule "A" appended to Surrogate Courts Act. Postage extra.

IN ISSUING A SUBPOENA.

On every instrument or process with seal of Court, R.S.O. 1914, p. 774. ....	.50
Issuing every subpoena, item 24 Surrogate Court tariff .....	.50
	\$1.00

ON CONTESTATION OF A CLAIM UNDER SEC. 69 OF THE
SURROGATE COURTS ACT.

	Judge	Registrar	Fee Fund
Receiving, examining and entering notice of contestation		1.00	
Appointment of date of proof .....	.50		
Attending contestation of claim		1.00	
Order finding amount due (if any) say 5 fol.	1.00	.50	1.00
Administering oath to 5 witnesses		1.00	
Filings, say 5 .....		.50	

Judge's fees for attendance, hearing proof of claim same as on an audit.

ORDERS UNDER SUCCESSION DUTY ACT.

Similar fees as are allowed to Judges, Registrars and Solicitors for like services under and by virtue of the Surrogate Courts Act and the Surrogate Court Rules. R.S.O. 1914, Chap. 24, Sec. 20.

TO REGISTER A WILL UNDER SEC. 56 OF THE REGISTRY ACT ON
FILING SUCCESSION DUTY AFFIDAVITS.

Receiving and examining Affidavits and Schedules, and entering application for Certificate	\$1.00
Notice to Provincial Treasurer .....	.25
Notice to Solicitor to Treasury .....	.25
Receiving and entering Consent of Solicitor to Treasury .....	.25
Certificate—Registrar 50c., Fee Fund 50c.	1.00
Filings, say 5 .....	.50
Postage .....	.10
	<hr/>
	\$3.35

CONTENTIOUS BUSINESS—TARIFF OF FEES TO BE ALLOWED
SOLICITORS IN SURROGATE COURTS.
(County Court Tariff.)

1. For the institution of an action	\$10.00
This item covers all costs except those of application In Courts or Chambers up to and including search for appearance.	
2. Defence	5.00
This item covers the entry of appearance, but does not include any application in Court or Chambers.	
3. Pleadings	15.00
This item covers all pleadings, affidavits on production, jury notices, etc., etc.	
4. Third party notice or summons to party added by counter- claim	3.00
5. Record and entry for trial	3.00
6. Preparation for trial, including notice of trial, notices to pro- duce and admit subpoenas and advising on evidence	10.00
Subject to increase in the discretion of the Judge, in cases involving more than \$200, to	
	25.00
7. Brief at trial, per folio. (not to exceed \$5.) .....	.10
8. Upon ex-parte motion in Chambers, including affidavits	5.00
9. Upon contested interlocutory Chambers motion	10.00
Subject to increase in the discretion of the Judge to a sum not exceeding	
	15.00
(The Judge may fix any smaller sum.)	
10. On ex-parte motions in Court	10.00
11. On contested interlocutory motions in Court	15.00
Subject to increase in the discretion of the Judge to a sum not exceeding	
	30.00
(The Judge may fix any smaller sum.)	
12. Examinations:	
Preliminary attendances arranging for examinations, to cover all attendances except the counsel fee:	
To the party examining	3.00
To the party examined	1.00
Counsel fee on examination:	
To the party examining	5.00
To the party examined	3.00
Subject to increase in cases involving over \$200, in the discretion of the Judge to a sum not exceeding	
	10.00
13. Counsel fee at trial, up to	25.00
Subject to an increase in the discretion of the Judge, in cases involving \$200 or more, to a sum not exceeding	
	50.00
And in cases involving \$400 or more, to a sum not exceeding	
	70.00
(In cases where the claim is not a money demand the Judge shall determine the amount involved.)	

14. Solicitor attending in Court when not counsel or partner of counsel, in cases involving over \$200	10.00
15. Judgment:	
To party having carriage	5.00
To other parties	3.00
This includes attendance to hear judgment, drawing and settling same, taxation of costs, etc.	
16. Correspondence, not exceeding	5.00
17. On originating notices in Court:	
To party moving for preliminary proceedings, affidavits notices, etc.	15.00
Subject to increase to, not exceeding	25.00
To party appearing for preliminary proceedings	5.00
Subject to increase when affidavits necessary, to	15.00
Allowance for counsel fee in discretion of Judge, not exceeding	20.00
Issuing order to party having carriage	8.00
To other parties	3.00
18. Originating notices in Chambers:	
To party moving for preliminary proceedings	10.00
Subject to increase to	20.00
To party appearing	5.00
Subject to increase when affidavits necessary, to	10.00
Counsel fee in discretion of Judge.	
Issuing order, to party having carriage	8.00
To other parties	3.00
19. Upon motions, copies, affidavits properly served on opposite party, per folio .....	.10
20 Upon appeals to a Divisional Court of the Appellate Division:	
Preliminary proceedings:	
To party appealing	15.00
To the respondent	10.00
Counsel fee in discretion of Senior Taxing Officer at Toronto, not exceeding	50.00
Issuing order, etc.:	
To party having carriage	8.00
To other parties	3.00
21. References:	
Attending to references, per hour	1.00
Subject to increase to	2.00
Drawing notices, affidavits and other documents necessary upon the reference, per folio .....	.20
For each copy, per folio .....	.10
For every ordinary attendance .....	.50
For conducting sale	10.00
22. Signing default judgment	3.00
23. Commission (in addition to costs of Motion)	3.00
Attending on execution, foreign agents' fees, etc., in discretion of Judge.	
24. Writ of execution, including disbursements	4.00
Renewals, including disbursements	3.00

Note.—Unless otherwise specified the allowances in the above tariffs of solicitor's fees are exclusive or proper disbursements.

Upon taxation between a solicitor and his client, additional allowances may be made in the discretion of the officer taxing, but the exercise of such discretion shall be subject to review upon any appeal.

WITNESS FEES.

Fees payable to witnesses in Surrogate Court.

To witness residing within three miles of the Court House, per diem

\$1.00

To witnesses residing over three miles from the Court House, per diem	1.25
Barristers and solicitors, physicians and surgeons, other than parties to the cause, when called upon to give evidence in consequence of any professional service rendered by them, or to give professional opinions, per diem	5.00

SOLICITORS' FEES ON ANCILLARY GRANTS.

Solicitors' fees on applications for ancillary letters probate or administration, or on resealing of these grants, and on probate or administration of foreign grants, are the same as for services in the Surrogate Court as those mentioned on page 84, viz., on the personal property situate within Ontario. When computing fees chargeable for services under the Succession Duty Act regard must be had to the value of the whole estate, wherever situate.

CERTIFICATE BY SURROGATE REGISTRAR THAT SECURITY GIVEN FOR WHOLE ESTATE.

In the Surrogate Court of the County of

In the Estate of , deceased.

I, , the Registrar of the Surrogate Court of , do hereby certify that sufficient security has been given by , the administrator of the estate of the said , in this Court, to secure as well the assets of the said estate situate within the Province of Ontario as the assets situate outside of the said Province.

Dated this day of

Registrar.

ALIEN ENEMIES.

COPY OF AN ORDER-IN-COUNCIL APPROVED BY HIS HONOUR THE
LIEUTENANT-GOVERNOR, THE 7TH DAY OF DECEMBER,
A.D. 1915.

Upon consideration of the report of the Honourable the Attorney-General, dated 2nd December, 1915, relating to the position of enemy subjects with reference to probates and Letters of Administration during the war, the Committee of Council advise that in all probates and Letters of Administration hereafter issued there shall be inserted a notice as follows:

"This grant is made upon the condition that no portion of the assets shall be distributed or paid during the war to any beneficiary or creditor who is a German, Austro-Hungarian, Turkish or Bulgarian subject or other alien enemy wherever resident, or to any one on his behalf or to or on behalf of any person resident in Germany, Austria, Hungary, Turkey or Bulgaria or other enemy country of whatever nationality, without the express sanction of the Crown, acting through the Treasury, and if any distribution or payment is made contrary to this condition the grant of probate or Letters of Administration will be forthwith revoked."

The Committee further advise that instructions be given to all Surrogate Registrars throughout the Province to have the following notice posted in their respective offices taking care in all doubtful cases to call the special attention of the applicants for Probate or Letters of Administration to the same:

"NOTICE

"relating to the position of German and Austro-Hungarian, Turkish and Bulgarian subjects with reference to probates and Letters of Administration during the continuance of the war now existing between this country and Germany, Austria-Hungary, Turkey and Bulgaria.

"1. During the war no probate of a will or Letters of Administration of the estate of any German, Austro-Hungarian, Turkish or Bulgarian subject or other alien enemy wherever resident shall be granted in respect of any assets in this Province without the express license of the Crown.

"2. In all cases where probate or Letters of Administration are granted during the war to any persons entitled thereto the grant shall be made upon the condition that no portion of the assets shall be distributed or paid during the war to any beneficiary or creditor who is a German, Austro-Hungarian, Turkish or Bulgarian subject, wherever resident, or to any one on his behalf, or to or on behalf of any person resident in Germany, Austria-Hungary, Turkey or Bulgaria, of whatever nationality without the express sanction of the Crown, acting through the Treasury, and if any distribution or payment is made contrary to this condition the grant of Probate or Letters of Administration will be forthwith revoked.

"3. Any applicant for probate or Letters of Administration during the war shall give such information as the Surrogate Registrars may require in order to ascertain whether any of the assets would in time of peace be distributable or payable to any such subjects, and if required shall make a statutory declaration as to the assets and their disposition in the event of probate or Letters of Administration being granted.

"4. Upon an application to the Solicitor to the Treasury there will be no difficulty in proper cases in obtaining the sanction of the Treasury to the payment of a moderate sum out of assets to beneficiaries or creditors who are German, Austro-Hungarian, Turkish or Bulgarian subjects or other alien enemies resident in this country at the commencement of the war and during the war.

Certified,

"J. LONSDALE CAPREOL,
"Clerk, Executive Council."

SUCCESSION DUTY.
PROPERTY NOT DUTIABLE.

No duty shall be leviable

- (a) On any estate the aggregate value of which does not exceed \$5,000.
- (b) On property passing by will, intestacy or otherwise to or for the benefit of the grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law or son-in-law of the deceased where the aggregate value of the property of the deceased does not exceed \$25,000.
- (c) Where the whole value of any property passing to any one person does not exceed \$300, unless such person is a member of a class and the whole value of the property passing to such class does exceed \$600. 5 Geo. V. c. 7, s. 2.
- (d) On property devised or bequeathed for religious, charitable, or educational purposes to be carried out in Ontario or by a corporation or a person resident in Ontario or on the amount of any unpaid subscription for any like purpose made by any person in his lifetime to any corporation or person mentioned in this subsection for which his estate is liable.
- (e) On any bond, debenture or debenture stock issued by a corporation having its head offices in Ontario, transferable on a register at any place out of Ontario and which is owned by a person not domiciled at the time of his death in Ontario. 4 Geo.V. c. 10, s. 2, part.

No duty shall be payable in respect of any property

- (a) Given absolutely more than three years before the death of the donor to a child, son-in-law or daughter-in-law, or to the father or mother of the donor which does not exceed in the aggregate to persons named in this subsection the sum of \$20,000 in value or amount. 4 Geo. V. c. 10, s. 6, part; 5 Geo. V. c. 7, s. 3.
- (b) Given by the donor where the gift is proved to have been absolute and to have taken effect in the lifetime of the donor and to have been part of his ordinary and normal expenditure and to have been reasonable, having regard to the amount of his income and the circumstances under which the gift was made,
of which property actual and bona fide possession and enjoyment shall have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor or of any benefit to him, whether voluntary or by contract or otherwise,
nor in respect of property
- (c) Given by the donor in his lifetime and not exceeding in value the sum of \$500 in the case of any one donee, or
- (d) Actually and bona fide transferred for a consideration in money or money's worth paid to the transferrer for his own use and benefit, except to the extent, if any, to which the value of the property transferred exceeds that of the consideration so paid. 4 Geo. V. c. 10, s. 6, part.

SUCCESSION DUTY RATES.

VALUE OF PROPERTY PASSING

Relationship to deceased.	Under \$25,000	\$25,000 to \$50,000	\$50,000 to \$75,000	\$75,000 to \$100,000	\$100,000 to \$150,000	\$150,000 to \$300,000	\$300,000 to \$500,000	\$500,000 to \$750,000	\$750,000 to \$1,000,000	Over \$1,000,000
Grandfather										
Grandmother										
Father										
Mother	No									
Husband	Duty	1%	2%	3%	4½%	5½%	6½%	7½%	8½%	10%
Wife	Payable									
Child										
Son-in-law										
Daughter-in-law										

ADDITIONAL RATES.

Where the whole amount so passing to one of the above persons

- (a) Exceeds \$100,000 and does not exceed \$200,000, 1 per cent.
- (b) Exceeds \$200,000 and does not exceed \$400,000, 1½ per cent.
- (c) Exceeds \$400,000 and does not exceed \$600,000, 2 per cent.
- (d) Exceeds \$600,000 and does not exceed \$800,000, 2½ per cent.
- (e) Exceeds \$800,000 and does not exceed \$1,000,000, 3 per cent.
- (f) Exceeds \$1,000,000 and does not exceed \$1,200,000, 4 per cent.
- (g) Exceeds \$1,200,000, 5 per cent. 4 Geo. V. c. 10, s. 7.

	Under \$5,000	\$5,000 to \$50,000	\$50,000 to \$100,000	All over \$100,000.
Granduncle				
Grandaunt				
Uncle				
Aunt	No	5%	10%	12½%
Cousin				
Nephew				
Niece				
Brother	Duty			
Sister	Payable			
Descendants of brother or sister.				

ADDITIONAL RATES.

Where the whole amount so passing to one of the above persons

- (a) Exceeds \$50,000 and does not exceed \$100,000, 1 per cent.
 (b) Exceeds \$100,000 and does not exceed \$150,000, 1½ per cent.
 (c) Exceeds \$150,000 and does not exceed \$200,000, 2 per cent.
 (d) Exceeds \$200,000 and does not exceed \$250,000, 2½ per cent.
 (e) Exceeds \$250,000 and does not exceed \$300,000, 3 per cent.
 (f) Exceeds \$300,000 and does not exceed \$350,000, 3½ per cent.
 (g) Exceeds \$350,000 and does not exceed \$400,000, 4 per cent.
 (h) Exceeds \$400,000 and does not exceed \$450,000, 4½ per cent.
 (i) Exceeds \$450,000, 5 per cent.

	Under \$5,000	\$5,000 to \$10,000	\$10,000 to \$50,000	\$50,000 to \$1,000,000	Over \$1,000,000
Any person in any other degree of collateral consanguinity to deceased than above mentioned or any stranger in blood to deceased.	No duty Payable	6%	10%	15%	20%

RULES AND REGULATIONS.

MADE BY ORDER OF HIS HONOUR THE LIEUTENANT-GOVERNOR IN COUNCIL BEARING DATE THE TWENTY-SEVENTH DAY OF MAY, A.D. 1914, FOR CARRYING INTO EFFECT THE SUCCESSION DUTY ACT.

1. Every heir, legatee, donee, or other successor, and every person to whom property passes for any beneficial interest in possession or in expectancy and every trustee, guardian, committee, or other person, in whom any interest in property so passing for the benefit of any other person or the management thereof, is at any time vested, shall be required within six months after the death of any person to file in the office of the Surrogate Registrar of the County or District in which the deceased, being domiciled or resident in Ontario, had a fixed place of abode, or in which the property or any part thereof was situate where deceased was resident out of Ontario, two duplicate original affidavits of value and relationship, attaching thereto inventories, giving full particulars in detail of the property, wheresoever situate, of the deceased, and any gifts inter vivos, and also schedule of relationship according to forms numbered "1."

2. When the aggregate value of the property, wheresoever situate, including any gift, transfer, or other disposition inter vivos, or other property within the meaning of section 7, does not exceed \$5,000. the heir, legatee or other successor may make and file two duplicate original affidavits of value and relationship in the short form, attaching thereto inventories in detail, and schedules of relationship, according to the forms numbered "2" hereunder, in lieu of those required by rule 1.

3. On all applications for letters probate, or of administration, or other grant, except letters of guardianship, made to any Surrogate Court in Ontario, the applicant or applicants shall at the time of filing the papers required by the practice of the Surrogate Courts make and file with the Surrogate Registrar two duplicate original affidavits of value and relationship similar to those required by rules numbered "1" and "2" following forms numbered "1" and "2" according to value of the property.

4. Such affidavits shall be made and filed in all cases without regard to the nature or value of the property of the deceased but if any heir, legatee, donee, or other successor, or the executor or administrator applying for a grant to any Surrogate Court makes full disclosure of the property by filing the affidavits, inventories and schedule in the proper Surrogate Court, and otherwise fulfils the requirements of the Act, the others may be relieved by the Treasurer from so doing.

5. The Surrogate Registrar shall forthwith on receipt thereof forward one of such duplicate original affidavits, with schedules attached, to the Solicitor to the Treasury at the Succession Duty Office, Toronto, and shall at the same time forward to the Treasurer of Ontario, Toronto, a notice in the form numbered "2a" hereunder.

6. The affidavit or account required by section 11, subsection 4, showing property not disclosed on the filing of an account by the heirs, legatees or other successors, or upon the grant of letters probate or of administration or other grant, shall conform to forms numbered "1" or "2," according to the value of the property in the affidavit or account previously filed and the property so disclosed.

7. For the purposes of determining the aggregate value and the rate of duty, the affidavits of value and relationship and accounts and inventories attached thereto shall set out the full particulars in detail of the property out of Ontario, as well as in Ontario, and the market value of each parcel or part thereof.

8. Where duty becomes payable on the falling into possession of any interest in expectancy, the successor or other person accountable for the duty, and the executor or administrator shall forthwith furnish to the Treasurer an account in detail verified by affidavit, and such other evidence as may be required, of the then value of the property of the deceased including the property to which such successor or other person accountable for the duty is entitled.

9. The Solicitor to the Treasury shall upon receipt of the said affidavit of value and relationship or other affidavit or account, determine whether in his opinion, the property of the deceased is liable, or may become liable to succession duty, and in case it appears to him that the same is liable or likely to become liable, he may require security to be given by the successor, or other person accountable for the duty, or by the applicant, which security may be by bond in the form numbered "3" or "4" hereunder, or by a deposit of a sufficient sum in addition to or substitution for a bond.

10. Where a bond is required to be given under the next preceding rule, such bond shall be in a penal sum not less than double the amount of duty payable upon the succession or property passing subject to duty, or such lesser sum as may be fixed by the Solicitor to the Treasury, and where executed by the heir, legatee, donee or other successor, each shall be bound in an amount equal to double the duty on the portion of the succession or property passing to which such successor is entitled in possession or expectancy, and where executed by the applicant, or all the applicants, in case there are more than one each shall be bound in the whole amount of the bond, and such bond shall also be executed by a guarantee company, approved by Order-in-Council under the Act respecting Security by Guarantee Companies, or by two or more sureties (to be approved by the Surrogate Registrar), who shall justify each in an amount equal to the sum for which he is to be liable, and the aggregate shall equal the amount of the penalty of the bond, and it shall be conditioned for the due payment to His Majesty of any duty to which the property passing to such successors may be found liable, and in the case of an executor or administrator for the due performance of his duties and obligations to collect such duty from the heirs and other persons accountable therefor pursuant to the Act. Persons beneficially entitled by will, or under intestacy, or as cestuis que trustent shall not be eligible as sureties.

11. This bond must be filed in the office of the Registrar of the Surrogate Court to which application is made or the account is filed, and a certified copy thereof sent forthwith to the Solicitor to the Treasury.

12. No letters probate, or of administration, or other grant shall issue without the consent in writing of the Solicitor to the Treasury or someone deputed by the Treasurer to act for him.

13. Where it is desired to register under section 56 of the Registry Act, an original will or other instrument without any grant from a Surrogate Court, the Surrogate Registrar of the County in which the deceased had a fixed place of abode, or in which the lands or any part thereof are situate, shall upon receipt of a similar affidavit or verified account in duplicate, forward a duplicate original to the Solicitor to the Treasury, and upon receiving his written consent, shall issue, if required, a certificate of such filing in the form numbered "10" hereunder, or to the like effect, for the purposes of registration.

14. Where a caveat against the issue of letters probate, or of administration, or other grant, is lodged with the Surrogate Clerk or with the Registrar of any Surrogate Court in Ontario, the Surrogate Registrar of any County in which any lands of the deceased are situate, to whom notice of such caveat has been given, shall not issue the Certificate requir-

ed by the next preceding rule until such caveat has been withdrawn and notice of such withdrawal has been given by the Surrogate Clerk or the Registrar of the Court in which it was lodged

15. Upon the application for letters probate, or of administration or other grant, or on the filing of an account, or as soon thereafter as they are ascertained, full and true particulars of the debts, encumbrances and other allowances, shall be proven by affidavit of the executor, administrator, trustee, heir, legatee, or other person accountable for the duty, according to the form numbered "5" hereunder.

16. In cases where security has been given for the payment of succession duty as aforesaid, notice of any appointment for the passing of the accounts of the executor or administrator or other person, as the case may be, shall be served upon the Solicitor to the Treasury by the executor, administrator, or other person, or his solicitor, together with a copy of the accounts, and the affidavit verifying, seven clear days before the audit of such accounts.

17. Notice of the valuation and hearing by the Surrogate Judge (Form 8) under section 12, shall be served upon all the parties directed to be served at least seven days before the commencement thereof, unless the Judge otherwise orders.

18. Notice of motion to extend the time under section 17 shall be served with the affidavit in support thereof on the Solicitor to the Treasury, at least seven days before the return thereof.

19. Affidavits under this Act may be sworn or affirmed before any person entitled to take affidavits for use in any Court of Record in this Province, but no affidavit, which has been sworn before the party on whose behalf the same is offered, or before his solicitor, or before the clerk or partner of such solicitor, shall be admissible in any matter or proceedings under this Act.

20. The fees payable out of the estate for the services of the Surrogate Judge and Registrar under section 20 shall be the same as those payable in contentious matters under the Surrogate Courts Act.

21. The subjoined forms are to be followed as nearly as the circumstances of each case will allow.

delivery, declaration of trust, or otherwise, nor did he at any time previous to his death, transfer any property, of which property the bona fide possession was not assumed by the donee immediately upon the gift, and thenceforth retained to the entire exclusion of the donor, or of any benefit to him, whether voluntarily, or by contract, or otherwise, except the property set out in the schedule marked Exhibit "B," and the fair market value of such property or the amount thereof, the person or persons to whom it was given, their addresses, the relationship in which they stand to the deceased, and the dates when so given, are therein correctly set out, and such transfer or other gift was made absolutely to the donee and took effect in the lifetime of the deceased and was part of his ordinary and normal expenditure for the maintenance and advancement of the persons so benefited.

That to the best of his knowledge, information and belief, the said deceased did not transfer or cause to be transferred to or vested in himself and any other person jointly any property to which he was absolutely entitled, so that the beneficial interest therein, or in some part thereof, passed or accrued by survivorship on his death to such other person, nor did he make or effect, or cause to be made or effected, either by himself alone, or in concert, or by arrangement with any other person, any purchase or investment of property whatsoever for any other person, or in trust for him, except as set out in the said inventory.

That to the best of his knowledge, information and belief, the said deceased was not at the time of his death a party to any past or future settlement, including any trust whether expressed in writing or otherwise, whether made for valuable consideration or not, as between the settlor and any other person, and not taking effect as a will, whereby an interest in such property or the proceeds of the sale thereof for life, or any other period determinable by reference to death, was reserved expressly or by implication to the deceased, or whereby the deceased reserved to himself the right by the exercise of any power to restore to himself or to reclaim the absolute interest in such property or the proceeds of the sale thereof, or otherwise resettle the same, or any part thereof, except as set out in the said inventory.

That to the best of his knowledge, information and belief, no annuity, policy of insurance, or other interest had been purchased or provided by the said deceased, either by himself alone, or in concert, or by arrangement with any other person, except as set out in the said inventory.

That he have in the schedule marked Exhibit "C" set forth the names of the several persons to whom the property of the said deceased will pass, the degrees of relationship, if any, in which they stand to the deceased, their addresses so far as he can ascertain them, and the nature and value of the property passing to each of these persons respectively, and that the several persons who receive annuities or estates for life, or bequests of income were on their last birthday previous to the date of deceased's death, the ages respectively set opposite their names.

Sworn before me at the _____ of
in the _____ County of _____
this _____ day of _____ A.D. 191

A Commissioner, etc., or Notary Public, etc.

This Affidavit is filed on behalf of the applicant by

.....
Solicitor.

FORM 2.—SHORT AFFIDAVIT OF VALUE OPTIONAL UNDER REGULATION 2.

This Affidavit is to be made by all Persons applying for Letters Probate or of Administration or other grant, or on filing Account.

THE SUCCESSION DUTY ACT (ONTARIO).

Canada, Province of Ontario. In the Surrogate Court of the
Count (District) of

In the matter of the estate of
late of the of , in the
County (District) of , deceased.

I (or we), make oath and say:—

That* a the applicant for letters
of the above named , who died on or about the
day of , 19 , domiciled in

*Where an account is filed, state that deponent is executor or administrator appointed by the proper Probate Court at the place of domicile, or is heir, legatee, donee or other successor entitled to property devolving.

That have according to the best of knowledge, information and belief set forth in the inventory herewith exhibited marked "A," a full, true and particular account of all the real and personal estate of the said deceased situate out of as well as in the Province of Ontario or of which the said deceased was possessed or to which he was entitled at the time of his death either in possession, remainder or reversion absolutely, contingently or otherwise howsoever, together with the market value as at the date of death of each and every asset, and the gross value thereof did not exceed the sum of \$5,000. The said inventory includes all the real and personal estate of which the deceased was competent to dispose of or over which the deceased had a general power of appointment.

So far as have been able to ascertain after a careful and searching investigation of his affairs, the said deceased did not make any gift, transfer or delivery of any property or any declaration of trust, settlement, deed or other instrument of appointment, nor did he purchase or provide any annuity, policy of insurance or other interest, or make any other disposition of any property whatsoever within the meaning and intent of subsection 2 of section 7 of the Succession Duty Act, except

Give particulars of gifts or other dispositions, stating amounts or market value, the dates when transferred and whether possession and enjoyment by donee to entire exclusion of donor followed such gift.

That have in the schedule herewith exhibited, marked "B," set forth the names of the several persons to whom the property of the said deceased will pass, the degrees of relationship, if any, in which they stand to the deceased, their addresses so far as can ascertain them, and the nature and value of the property passing to each of these persons respectively.

Sworn before me at the of
in the Count of
this day of A.D. 191 .

A Commissioner, etc., or a Notary Public, etc.

This Affidavit is filed on behalf of the applicant for
letters by

.....
Solicitor.

SCHEDULE A.—FORMS 1 AND 2,

Shewing an Inventory in Detail of Property, wheresoever situate.

In the Surrogate Court of the _____ of _____

In the matter of the estate of _____ deceased, late of the
of _____ in the Count of _____

THE SUCCESSION DUTY ACT (ONTARIO).

Real Estate Give short description of each parcel or lot with dimensions for purposes of indentification.	Fair market value of property, exclusive of liens and encumbrances.
	\$ c.
Total.....	

MONEYS SECURED BY MORTGAGE.

Name of Mortgagor	Short description of land	Other particulars including date, principal, payments on account, rate of interest, and date from which interest has been accruing to date of death	Principal	Interest	Total
			\$ c.	\$ c.	\$ c.
		Total.....			

BOOK DEBTS AND PROMISSORY NOTES, ETC.

Name of Debtor or Payor	Address (City, town or Province)	Particulars including date due, principal, payments on account, rate of interest, and date from which interest has been accruing to date of death	Principal	Interest	Total
			\$ c.	\$ c.	\$ c.
		Total.....			

**SECURITIES FOR MONEY, INCLUDING LIFE INSURANCE AND CASH
ON HAND AND IN BANK.—(See Note below.)**

Name of Company or otherwise	Head Office of Company or Residence of persons (whether in Ontario or elsewhere)	Other particulars as above, and if owned by a non-resident where registered	Principal	Interest	Total
			\$ c.	\$ c.	\$ c.
		Total.....			

BANK STOCKS AND OTHER STOCKS.

No. of Shares	Full Name of Company	Head Office (Ontario or elsewhere)	Kind of Stock Common or Preferred	Amount Paid up	Par Value	Fair Market Value
				\$ c.	\$ c.	\$ c.
			Total..			

Miscellaneous Assets not hereinbefore mentioned, if any	Fair Market Value
Give full particulars here Household Goods and Furniture Pictures, Plate and Jewelry Stock-in-Trade of Business or Industrial Concern.. Goodwill of Business or Industrial Concern..... Farm Implements Farm Produce of all Kinds Horses Horned Cattle Sheep and Swine Any other Property	\$ c.
Total.....	

NOTE.—State fully if bonds, debentures and other securities, owned by a foreign decedent, are in his possession elsewhere than in Ontario and are actually listed on a register out of Ontario where a transfer can be made without any act being required at the head office in Ontario.

SUMMARY.

	Principal or Market Value	Interest	Total
	\$. c.	\$. c.	\$. c.
Real Estate			
Moneys Secured by Mortgage			
Book Debts and Promissory Notes			
Securities for Money, including Life In- surance and Cash in Bank and on hand			
Bank Stocks and other Stocks			
Miscellaneous Assets not hereinbefore mentioned (if any)			
Total			

This is Schedule "A" referred to in the affidavit of value and relationship of

Sworn before me on the _____ day
of _____ A.D. 191 _____

.....
A Commissioner, etc., or Notary Public, etc.

SCHEDULE B.—FORMS 1 AND 2.

In the Surrogate Court of the County (District) of

In the matter of the estate of _____, deceased, late of
the _____ of _____ in the County (District) of

THE SUCCESSION DUTY ACT (ONTARIO).

Date of Gift or Settle- ment	Name of Donee and Trustees if any	Address	Trace Relationship to Deceased	Nature of Gift or Pro- perty given	Amount of Gift or fair market value of property	Any other facts re- lating to Gift.

This is Schedule "B" referred to in the Affidavit of Value and Relation-
ship of

Sworn before me on the _____ day
of _____ A.D. 19 _____

.....
A Commissioner, etc., or Notary Public, etc.

SCHEDULE C.—FORMS 1 AND 2.

In the Surrogate Court of the County of

THE SUCCESSION DUTY ACT (ONTARIO).

In the matter of the estate of _____, deceased, late of
 the _____ of _____ in the _____ County
 of _____

Name of Legatee	Relationship	Address	Age last birthday of life tenant or annuitant	Nature of bequest or property passing	Value

This is Schedule "C" referred to in the affidavit of Value and Relationship of _____

Sworn before me on the _____ day
 of _____ A.D. 191 _____

 A Commissioner, etc., or Notary Public, etc.

No.....

FORM 2A.—NOTICE OF APPLICATION FOR LETTERS.

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the County of

In the matter of the estate of , deceased.

Strike out the irrelevant words.

Notice is hereby given that application for letters probate, of administration, administration with the will annexed, re-sealing or ancillary letters probate or of administration, has been received as herein set forth.

Name of deceased

Date of death

Domicile at death

Name or Names of applicant or applicants

Name of applicant's solicitor

Value of assets in Ontario

Value of assets, if any, elsewhere than in Ontario

Dated at this day

of 19 .

Surrogate Registrar.

The Hon. the Treasurer of the Province of Ontario.

FORM 3.—BOND BY ALL APPLICANTS FOR LETTERS
 PROBATE OR OTHER GRANT OR BY TRUSTEES.

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the

In the matter of the estate of _____, deceased.

Know all men by these presents that we,
 of the _____ of _____, in the _____ Count of _____
 _____, of the _____ of _____ in the _____
 Count of _____, and _____
 of the _____ of _____, in the _____ Count of _____
 _____, are jointly and severally bound unto
 His Majesty the King in the sum of \$ _____, to be paid
 to the Treasurer of the Province of Ontario for the time being
 for which payment well and truly to be made we bind our-
 selves and each of us for the whole and our and each of our
 heirs, executors and administrators,
 firmly by these presents.

Where a
 Guarantee
 Company is
 surety add:
 "and the said
 Company for
 itself, its
 successors and
 assigns binds
 itself for the
 whole firmly
 by these
 presents."

And the said
 Company
 affixes its
 corporate seal
 and the hand
 of its
 "President"
 or "Manager
 for Canada."

Sealed with our seals. Dated the _____ day of _____
 in the year of our Lord, A.D. 19 _____

NOTE.—The penal sum should be not less than double the duty pay-
 able on the property subject to duty. The sureties must be one of the
 Guarantee Companies approved by Order of His Honour the Lieutenant-
 Governor in Council or two or more disinterested persons who will to-
 gether justify to the aggregate of the penal sum.

The condition of this obligation is such that if the above
 named _____, the _____ of all the property
 of _____, late of the _____ of _____
 in the County of _____, deceased, who died on or
 about the _____ day of _____ A.D. 19 _____,
 do collect from the person liable therefor and cause to be paid
 to the Treasurer of the Province of Ontario for the time being
 representing His Majesty the King in that behalf, any and all
 duty to which the property, estate and effects of the said de-
 ceased may be found liable under the provisions of the Suc-
 cession Duty Act, within the time or times provided for under
 Section 15 of the said Act or such further time as may be given
 for payment thereof under Section 17 or otherwise by the said
 Act, and otherwise perform the duties and obligations required
 of them by the said Act, then this obligation shall be void and
 of no effect, otherwise the same to remain in full force and
 virtue.

Signed, sealed and delivered in the presence of

AFFIDAVIT OF JUSTIFICATION.

Ontario.
Count of
To Wit:

I,

one of the sureties in the annexed bond
named, make oath and say as follows:—

(1) I am seized and possessed to my own use of property in the Province of Ontario, of the actual value of _____ dollars over and above all charges upon and incumbrances affecting the same.

(2) I am worth the sum of _____ dollars, over and above my just debts, and any sum for which I am liable as surety or otherwise, except upon the said bond.

(3) My post office address is as follows:—

Sworn before me at _____ in the Count
of _____ this _____ day of
19 .

A Commissioner, etc., or Notary Public, etc.

AFFIDAVIT OF JUSTIFICATION.

Ontario.
Count of
To Wit:

I,

one of the sureties in the annexed bond
named, make oath and say as follows:—

(1) I am seized and possessed to my own use of property in the Province of Ontario, of the actual value of _____ dollars over and above all charges upon and incumbrances affecting the same.

(2) I am worth the sum of _____ dollars, over and above my just debts, and any sum for which I am liable as surety or otherwise, except upon the said bond.

(3) My post office address is as follows:—

Sworn before me at _____ in the Count
of _____ this _____ day of
19 .

A Commissioner, etc., or Notary Public, etc.

AFFIDAVIT OF EXECUTION.

Ontario. I,
 Count of
 To Wit: in the Count of
 make oath and say as follows:—

(1) I am the person whose name is subscribed to the annexed bond as the attesting witness to the execution thereof, and the signature set and subscribed thereto as such attesting witness is of my proper handwriting, and my name and addition are correctly above set forth.

(2) I was present and did see the said bond duly signed and executed by , therein named.

(3) I am well acquainted with the said

Sworn before me at in the Count
 of this day of
 19 .

A Commissioner, etc., or Notary Public, etc.

FORM 4.—BOND BY LEGATEE, NEXT-OF-KIN, DONEE OR
 OTHER SUCCESSOR.

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the
 In the matter of the estate of , deceased.

Know all men by these presents that we,
 of the of , in the Count of
 , of the of in the
 Count of , and
 of the of Count of
 , are jointly and severally bound
 unto His Majesty the King in the sum of \$, to be
 paid to the Treasurer of the Province of Ontario for the time
 being for which payment well and truly to be made we bind
 ourselves and each of us for the whole and our and each of
 our heirs, executors and administrators*
 by these presents. firmly

*Where a
 Guarantee
 Company
 is surety add:
 "and the said
 Company for
 itself, its
 successors and
 assigns, binds
 itself for
 the whole."

*And the
 said Company
 affixes its
 corporate seal
 and the hand
 of its
 "President"
 or "Manager
 for Canada."

Sealed with our seals.* Dated the day of
 in the year of our Lord, A.D. 19 .

NOTE.—The penal sum should be not less than double the duty payable on the property subject to duty passing to all legatees, next-of-kin or other successors who join in same bond, but if separate security is given by each successor it should be double the duty on the property passing to such successor. The sureties must be one of the Guarantee Companies approved by Order of His Honour the Lieutenant-Governor in Council or two or more disinterested persons who will together justify to the aggregate of the penal sum.

The condition of this obligation is such that if each of the above named _____, the* _____ of property of _____, late of the _____ of _____, in the County of _____, deceased, who died on or about the _____ day of _____, A.D. 19 _____, do well and duly pay or cause to be paid to the Treasurer of the Province of Ontario for the time being, representing His Majesty the King in that behalf, any and all duty to which the property to which each is beneficially entitled.*

*"Legatees, next-of-kin, donees, or other successors."

*Under the deceased's will, by intestacy, by settlement made by the deceased or for his benefit or by other gift inter vivos (as the case may be).

may be found liable under the provisions of the Succession Duty Act, within the time or times provided for under Section 15 of the said Act or such further time as may be given for payment thereof under Section 17 or otherwise of the said Act, then this obligation shall be void and of no effect, otherwise the same to remain in full force and virtue.

Signed, sealed and delivered in the presence of

AFFIDAVIT OF JUSTIFICATION.

For Personal Sureties Only.

Ontario.
County of _____
To Wit:

I,

one of the sureties in the annexed bond named, make oath and say as follows:—

(1) I am seized and possessed to my own use of property in the Province of Ontario, of the actual value of _____ dollars over and above all charges upon and incumbrances affecting the same.

(2) I am worth the sum of _____ dollars, over and above my just debts, and any sum for which I am liable as surety or otherwise, except upon the said bond.

(3) My post office address is as follows:—

Sworn before me at _____ in the County
of _____ this _____ day of

19 .

A Commissioner, etc., or Notary Public, etc.

AFFIDAVIT OF JUSTIFICATION.

For Personal Sureties Only.

Ontario.
Count of
To Wit:

I,

one of the sureties in the annexed bond named, make oath and say as follows:—

(1) I am seized and possessed to my own use of property in the Province of Ontario, of the actual value of _____ dollars over and above all charges upon and incumbrances affecting the same.

(2) I am worth the sum of _____ dollars, over and above my just debts, and any sum for which I am liable as surety or otherwise, except upon the said bond.

(3) My post office address is as follows:—

Sworn before me at _____ in the Count
of _____ this _____ day of

19 .

A Commissioner, etc., or Notary Public, etc.

AFFIDAVIT OF EXECUTION.

Ontario.
Count of
To Wit:

I,

in the Count of

make oath and say as follows:—

(1) I am the person whose name is subscribed to the annexed bond as the attesting witness to the execution thereof, and the signature set and subscribed thereto as such attesting witness is of my proper handwriting, and my name and addition are correctly above set forth.

(2) I was present and did see the said bond duly signed and executed by _____, therein named.

(3) I am well acquainted with the said

Sworn before me at _____ in the Count
of _____ this _____ day of

19 .

A Commissioner, etc., or Notary Public, etc.

FORM 5.—AFFIDAVIT OF DEBTS.
THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the _____ of _____
In the estate of _____, deceased.

I, _____, of the _____ of _____
in the _____ of _____, make oath and say:—

That I have in the first part of the schedule, marked exhibit "A," set forth full and true particulars of the debts incurred by the deceased and encumbrances created by a disposition made by the deceased, and the funeral expenses and Surrogate fees allowed as deductions by the Succession Duty Act.

*As the case may be (strike out irrelevant words).

That such debts and encumbrances were incurred and created bona fide for full consideration in money or money's worth wholly for the deceased's own use and benefit, and take effect out of his _____ estate. That there is no right to reimbursement for any debt or encumbrance included in such schedule from any other estate or person (*nor can any reimbursement be obtained from the persons primarily liable or as contributors for the amount so set out in such schedule), nor is the same debt or encumbrance charged more than once upon different portions of the estate.

*Or as the case may be.

That all the said debts and encumbrances have been allowed and paid by the executors, administrators, *except those set out in the second part of such schedule and the reasons for such non-payment are respectively set opposite thereto.

Sworn before me at the _____ of _____
in the _____ of _____
this _____ day of _____ A.D. 19 _____

A Commissioner, etc., or Notary Public, etc.

FORM 5.—SCHEDULE OF DEBTS.
THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the _____ of _____
In the matter of the estate of _____, _____, deceased, late of _____
the _____ of _____ in the _____ of _____

FIRST PART.

Name of Creditor	Address	Nature of Claim	Amount Paid
			\$ c.
		Total.....	

SECOND PART.

Name of Creditor	Address	Nature of Claim	Amount un- paid or in dispute	Reason for non-pay- ment
			\$ c.	
		Total....		

This is Schedule marked "A" referred to in the Affidavit of Debts
of

Sworn before me on the day
of A.D. 19 .

.....
A Commissioner, Etc.

FORM 6.—DIRECTION TO SURROGATE JUDGE TO MAKE VALUATION
AND ASSESS DUTY.

(Section 12.)

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of

In the matter of the estate of , deceased.

To the Surrogate Judge of the Court of

At the request of the Treasurer of the Province of Ontario, I here-
by direct that you do make a valuation of all property of the deceased
and determine the liability of the estate for duty and the persons by
whom it is payable in accordance with the Succession Duty Act.

Dated at Toronto, this day of 19 .

FORM 8.—NOTICE BY SURROGATE JUDGE TO EXECUTORS, ADMINISTRATORS AND INTERESTED PERSONS DIRECTED TO BE SERVED.

(Section 12.)

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the Count of .

In the matter of the estate of , deceased.

To

Take notice that His Honour , Judge of the Surrogate Court, will, on the day of , 19 , at the hour of in the noon at his chambers in the Court House at the of , proceed to make a valuation of all the property of the deceased within the meaning of the Succession Duty Act, to fix the amount of the debts and other deductions and exemptions, to determine the liability of the estate for duty, and persons liable therefor, under the devolution by reason of the deceased's death, and the time or times when such duty is payable.

Take notice that you are required to attend at the above time and place, and so from day to day until the hearing is ended, and that in default of your so doing, he will proceed to hear and determine all matters upon the showing of the Treasurer of Ontario.

Take notice further, that you are required further to produce before him at the said time and place all books, books of account, accounts, title deeds, securities for moneys, promissory notes, and other documents and papers relative to the property, the liability of the estate for such duty and the matters in question herein and particularly the following:—

Insert documents specially required to be produced.

State here any special or other provisions of Judge's order.

Dated the day of , 19 .

Registrar of the Surrogate Court of the

FORM 9.—REPORT OF SHERIFF.

(Section 12, ss. 6.)

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the

In the matter of the estate of _____ deceased.

To the Judge of the said Surrogate Court:

Pursuant to an order made in this matter and dated the day of _____, A.D. 19____, directing me to make a valuation and appraisement of the property or parts of the property (as the case may be) more particularly described in the inventory attached to the affidavit of value and relationship filed, or wrongfully omitted from such inventory (as the case may be) and set out in the schedule hereto annexed, I proceeded in the presence of _____ (or personally, as the case may be) to make an appraisement and valuation of the said property at its fair market value on the day of the deceased's death, being the _____ day of _____ 19____, (or as the case may be), and do value and appraise the same at the sum of \$ _____ as appears from the schedule hereto annexed.

Dated _____ day of _____, 19____.

 Sheriff of the Count _____ of _____

FORM 10.

THE SUCCESSION DUTY ACT (ONTARIO).

In the Surrogate Court of the County of _____

In the matter of the estate of _____, deceased.

This to certify that a statement verified on oath of all the property owned by the above named deceased, who died on or about the day of _____, in the year of our Lord one thousand nine hundred and _____, and who at the time of his death had a fixed place of abode at the _____ of _____ in the County of _____ and Province of Ontario, has been filed in this office pursuant to sub-section 1 of section 11 of The Succession Duty Act and the rules and regulations thereunder.

This certificate is given only for the purpose of registration of the original will or other instrument under section 56 of the Registry Act.

Dated at _____, this _____ day of _____ A.D. 191____.

Registrar of the Surrogate Court of the County of _____

To the Registrar of the Registry Division of _____

FORM 11.

THE SUCCESSION DUTY ACT (ONTARIO).

In the matter of the estate of _____, late of
 _____, in the Count of _____, deceased.

CERTIFICATE OF DISCHARGE.

(Section 15.)

This is to certify that the full amount of Succession Duty payable under the devolution by reason of the death of _____, the above named deceased, has been paid, and the property set forth in the affidavits and papers filed in the Succession Duty Office is therefore discharged from any further claim to succession duty under such devolution.

This certificate is given under the terms and subject to the conditions of section 15 of the Succession Duty Act.

Dated at Toronto, this _____ day of _____ A.D. 191 _____

Provincial Treasurer.

Countersigned,

Solicitor to the Treasury.

APPENDIX B.

THE LIEUTENANT-GOVERNOR, by Order-in-Council, has approved of the following companies under the Act respecting the Acceptance of certain Incorporated Companies as Sureties and the bonds of these companies may be filed under the Succession Duty Act:—

1. Dominion of Canada Guarantee and Accident Insurance Company.
2. Guarantee Company of North America.
3. London Guarantee and Accident Company, Limited.
4. Employers Liability Assurance Corporation, Limited.
5. American Surety Company of New York.
6. United States Fidelity and Guarantee Company.
7. Imperial Guarantee and Accident Company.
8. London and Lancashire Guarantee and Accident Company.
9. The Maryland Casualty Company.
10. The National Surety Company of New York.
11. The Guardian Accident and Guarantee Company of Montreal.
12. Railway Passengers Assurance Company of London, England.
13. Ocean Accident and Guarantee Corporation, Limited.
14. Canadian Surety Company.
15. Dominion Gresham Casualty Company.
16. Globe Indemnity Company of Canada.

APPENDIX C.

ORDERS-IN-COUNCIL, extending the provisions of section 9 as to the allowance of duty paid elsewhere, have been passed on the respective dates set opposite thereto, with respect to the following countries and provinces of the Dominion of Canada.

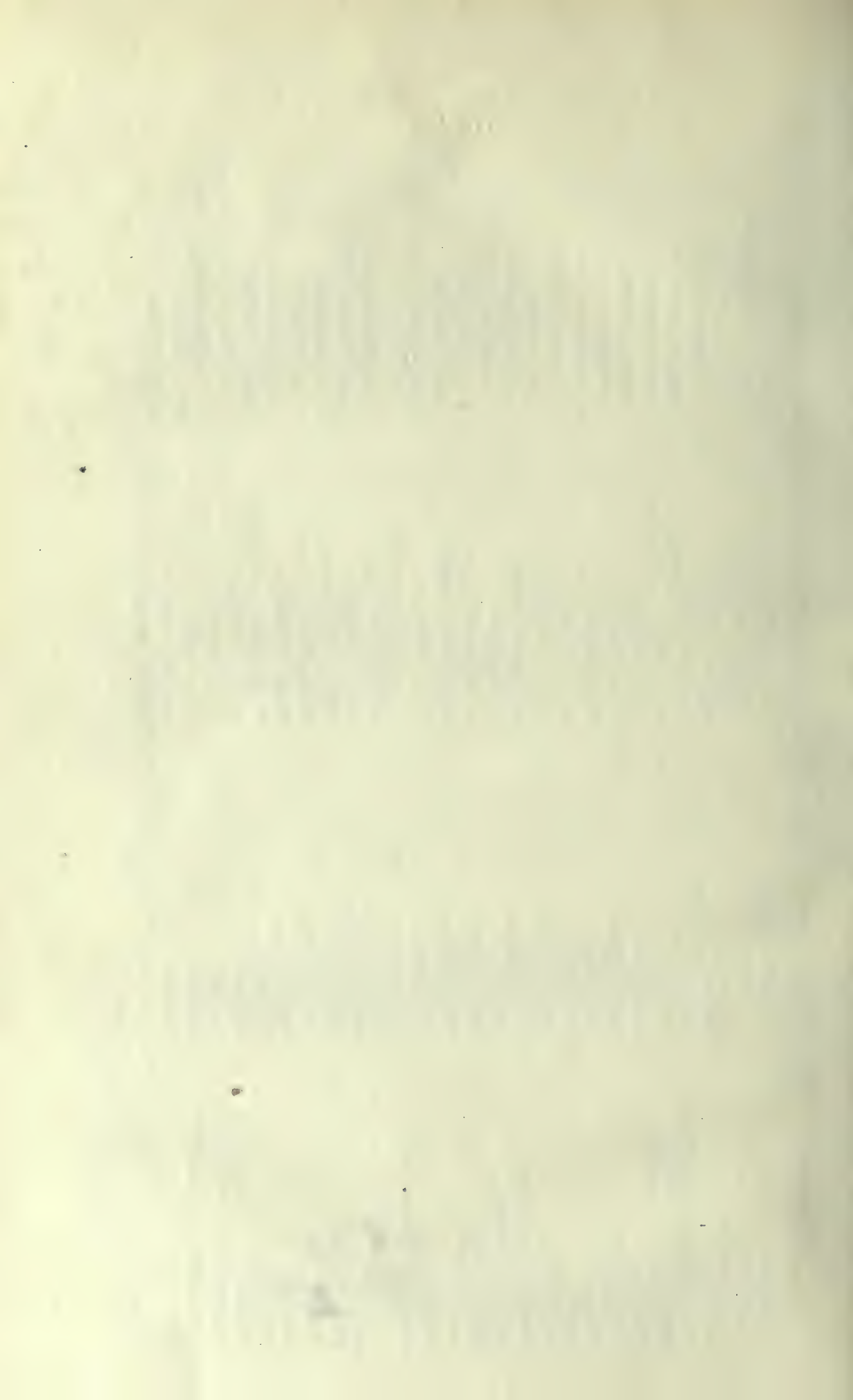
United Kingdom of Great Britain and Ireland	12th January, 1906.
British Columbia	2nd July, 1908.
Manitoba	30th April, 1909.
New Brunswick	23rd July, 1907.
Nova Scotia	23rd September, 1907.
Saskatchewan	28th August, 1908.
Prince Edward Island	14th November, 1912.

SURROGATE COURT JUDGES AND REGISTRARS IN THE PROVINCE OF ONTARIO.

County or District.	Town.	Surrogate Judge.	Surrogate Registrar.
Algoma	Sault Ste. Marie	His Hon. Judge Stone	C. V. Plummer
Brant	Brantford	A. D. Hardy	J. T. Hewitt
Bruce	Walkerton	Alphonse B. Klein	R. E. Clapp
Carleton	Ottawa	D. B. McTavish	Horace Pratt
Dufferin	Orangeville	W. G. Fisher	J. A. V. Preston
Elgin	St. Thomas	Chas. W. Colter	David McLaws
Essex	Sandwich	John O. Dromgole	Henry Clay
Frontenac	Kingston	H. A. Lavell	Miss Helen Fraser
Grey	Owen Sound	C. H. Widdifield	W. A. Bishop
Haldimand	Cayuga	G. H. Hopkins	J. C. Eccles
Halton	Milton	J. Elliott	W. J. McClenahan
Hastings	Belleville	John F. Wills	John Williams
Huron	Goderich	L. H. Dickson	D. McDonald
Kenora	Kenora	T. W. Chapple	C. W. Chadwick
Kent	Chatham	J. V. Stanworth	James Holmes
Lambton	Sarnia	D. F. MacWatt	Alex. Saunders
Lanark	Perth	Jas. H. Scott	W. P. McEwen
Leeds and Grenville	Brockville	Herbert S. McDonald	A. E. Baker
Lennox and Addington	Napanee	Jas. H. Madden	W. P. Deroche
Lincoln	St. Catharines	J. S. Campbell	Johnson Clench
Manitoulin	Gere Bay	Chas. E. Hewson	C. C. Platt
Middlesex	London	Talbot McBeth	Edmund Weld
Muskoka	Bracebridge	A. A. Mahaffy	Isaac Huber
Nipissing	North Bay	Jos. A. Valin	T. J. Bourke

SURROGATE COURT JUDGES AND REGISTRARS IN THE PROVINCE OF ONTARIO. (Continued)

County or District	Town	Surrogate Judge	Surrogate Registrar
Norfolk	Simcoe	Arthur T. Boles	C. C. Rapelje
Northumberland & Durham	Cobourg	Henry A. Ward	John T. Field
Ontario	Whitby	G. Y. Smith	Horace Bascom
Oxford	Woodstock	J. G. Wallace	James Canfield
Parry Sound	Parry Sound	F. R. Powell	T. Tasker
Peel	Brampton	D. McGibbon	J. B. Dixon
Perth	Stratford	J. A. Barron	E. Sydney Smith
Peterborough	Peterborough	E. C. S. Huycke	G. J. Sherry
Prescott and Russell	L'Orignal	A. Constantineau	Jos. Belanger
Prince Edward	Picton	D. Morrison	N. Gilbert
Rainy River	Fort Frances	A. McLennan	Wm. H. Elliott
Renfrew	Pembroke	A. A. Fisher (acting)	H. W. Perrett
Simcoe	Barrie	G. N. Vance	E. A. Little
Stormont, Dundas and Glengarry	Cornwall	J. R. O'Reilly	J. A. McDougald
Sudbury	Sudbury	Jno. J. Kehoe	Jno. D. Shipley
Temiskaming	Haileybury	Henry Hartman	T. J. Meagher
Thunder Bay	Port Arthur	Hugh O'Leary	T. S. T. Smellie
Victoria	Lindsay	Hugh McMillan	J. H. Sootheran
Waterloo	Kitchener	W. M. Reade	Jno. M. Scully
Welland	Welland	L. B. C. Livingstone	J. E. Cohoe
Wellington	Guelph	A. C. Chadwick	W. H. Kingstone
Wentworth	Hamilton	C. G. Snider	H. C. Gwynne
York	Toronto	Jno. Winchester	A. F. Wallis
		Edward Morgan	



GENERAL INDEX.

	Rule	Page
ABODE—		
of infants	34	12
ABSENCE—		
of witnesses to will	5	8
ACCOUNTS—		
judge may fix compensation to executors	39	13
judge may refer solicitor's bill for taxation	40	13
order upon passing to be made in duplicate	41	13
must contain true inventory	38	13
Order on passing, how to enforce		58
Papers necessary for passing		57
to be rendered by executors and administrators	38	13
judge to fix time for passing	37	13
judge to give directions	37	(2) 13
passing of	36	13
shall be filed with Registrar	37	13
to be passed before judge	37	(5) 13
to be divided in certain cases	38	(2) 13
When moneys to be paid into Court		58
Who may compel passing		58
ADDITION—		
list of grants, etc.	61	15
ADDRESS—		
of party or solicitor in caveat	23	11
of person with whom infant resides	37	(3) 13
ADMINISTRATION—		
As evidence		63
Bond		53
bond	15	10
See Bond; Sureties.		
delegation of powers of administrator during war		61
Foreign administrators		54
on application for, it must be shewn that search made for will	10	9
papers to lead		53
renunciations necessary		53
Trust companies as administrators		54
who may apply		54
with will annexed, when to issue	3	8
ADMINISTRATION DE BONIS NON—		
papers to lead grant		54
ADMINISTRATION WITH WILL ANNEXED—		
papers to lead grant		55
ADVERTISEMENT	12	9
See Citation; Newspaper.		
AFFIDAVITS—		
Colonel or Major on active service may administer ..		59
of subscribing witnesses	5	8
of person intervening	19	10
proving execution of will	45	14
to lead grant	5	8
who may take		58
will to be marked as an exhibit to	6	8

	Rule	Page
AGE—		
of infant or minor	34	11
to be shown on application for guardianship	34	12
ALTERATIONS—		
in will	7	8
ANCILLARY ADMINISTRATION—		
papers to lead grant		54
security to be given		54
Solicitors' fees		91
ANCILLARY PROBATE—		
in other Provinces of Canada		51
notice in "Ontario Gazette"		49
papers to lead grant		49
Solicitors' fees		91
APPEARANCE—		
default in entering	28	(2) 11
Judge to give directions as to mode of trial	27	11
of person intending to oppose grant of probate	26	(2) 11
practice as to	27	11
parties entering to be served with notice	28	(3) 11
to be entered in 7 days	26	(2) 11
APPLICATION FOR PROBATE, ADMINISTRATION OR GUARDIANSHIP—		
by person who is not next of kin	11	(2) 9
by petition	1	8
names of those having prior right must be shewn ..	11	9
notice of, to Surrogate Clerk	22	10
through solicitor	1	8
to be numbered, endorsed, etc.	51	14
to be laid before Judge	50	14
to be numbered and entered by Registrar	51	14
where probate granted in foreign country	13	9
APPRAISEMENT—		
See Property.		
ATTORNEY GENERAL—		
notice to be given to where there are no known next of kin	12	9
BEQUESTS—		
public bequests, Official Guardian and beneficiary to be notified		49
BOND—		
administration	15	10
as to Guarantee Companies, see R.S.O., cap. 190.		
amount in aggregate equal to amount of penalty	15	10
by foreign executors		50
by Guarantee Company		53
guardianship	15	10
judge may disallow	16	(2) 10
See Forms.		
on administration		53
one surety where property under \$400	15	(2) 10
person interested may require notice of consideration of	16	10
release of, in small estates		53
sureties required to justify	15	10
two sureties	15	(2) 10
to be recorded	59	15

BOOKS—	Rule	Page
by Surrogate Clerk	62	15
to be kept by Registrars	47	14
CAVEATS—		
against guardianship	35	12
address to be given in	23	11
certificate under Sec. 41	20	10
copy to be transmitted to Registrar	21	10
entering	23	11
how cleared off	25	11
judge may order to be vacated, etc.	25	11
may be filed from time to time	24	11
not to be entered for the purpose of delay	23	(2) 11
numbering, endorsing and entering notices of, by Registrar	52	14
or in the office of the Registrar	20	10
party entering must declare nature of his interest .	23	11
practice as to	23	11
practice of Court on filing		63
to expire in 6 months	24	11
to be filed with Surrogate Clerk, etc.	20	10
to be accompanied by affidavit	23	(2) 11
warning of	26	(2) 11
warning at address mentioned in it	26	11
CERTIFICATE—		
of Registrar that no will has been deposited in his office	10	(2) 9
of Surrogate Clerk where caveat filed	21	10
See Forms.		
CITATION—		
judge may direct service of	27	11
not to issue until lapse of 14 days	29	(2) 12
order of Judge for	55	14
to be served upon persons who have not consented or renounced	11	9
to accept probate	29	12
to bring in a will	30	12
where necessary Judge may direct service of.....	27	11
where intestacy	32	12
CLASS REPRESENTATION—		
See Supreme Court Rules 75-77.		
CONSANGUINITY— Table of		66
CONSENT—		
to be obtained from next of kin	11	(2) 9
CONTEMPT—		
persons refusing to be sworn guilty of.....	31	(2) 12
CONTENTIOUS CASES—		
appearance, practice as to	27	11
application to Judge as to course to be pursued.....	27	11
default in entering appearance	28	(2) 11
directions for trial	27	11
judge shall add necessary parties	27	11
See Supreme Court Rules, 75-77.		
person entering caveat to enter an appearance in 7 days	26	(2) 11
proving will in solemn form	28	11
CONTENTIOUS PROCEEDINGS		63

	Rule	Page
COSTS—		
Judge may refer for taxation under Solicitor's Act....	40	13
See Fees.		
of proceedings in Surrogate Court to be taxed by		
Registrar	60	15
of Solicitors and counsel	66	(2) 15
Registrar shall tax	60	15
CREDITOR—		
may compel passing of accounts		57
CRIER—		
to attend the trial of all contested matters	65	15
DEATH—		
fourteen days before issue of administration	3	8
See Forms.		
proof of, on application for guardianship.....	34	12
seven days from, before issue of probate or adminis-		
tration with will	3	8
DECLARATION—		
of interest in property to be made in caveat	23	11
DEPOSITORY—		
removal of wills so deposited	44	14
the office of the Registrar a depository for wills of		
living persons	42	13
DESCENT—rules of		63
DOWER—		
election		63
ESTATES—devolution of		63
EVIDENCE—probate or administration as		63
EXECUTOR—		
death of, before taking probate		48
dying intestate after taking out probate		55
fails to bring in a will	29	12
foreign, to give security		48
foreign, may appoint attorney in Ontario		48
judge may fix compensation of	39	13
may voluntarily pass accounts	36	13
name and residence of to be filed	61	15
one of several applying for Probate		48
EXEMPLIFICATION—		
of foreign probate	13	(3) 9
FEES—		
payable to Crown	49	14
payable to judge	49	14
payable to Registrar	49	14
to be paid when proceedings taken	49	14
to be taken by Registrars	66	(1) 15
to sheriff and crier	66	(4) 15
to solicitors and counsel	66	(2) 15
to witnesses	66	(3) 15
FEES—insurance moneys payable direct, not chargeable		
with		58
FIXED PLACE OF ABODE—		
Affidavit shewing	34	12

	Rule	Page
FOREIGN GRANTS		50
FORMS—		
general	64	15
FORMS—index to		121
GRANTS—		
application for where caveat filed	22	10
list of, what to contain	61	15
not to issue until adequate security furnished	16	(2) 10
not to issue until fees are paid	49	14
two or more applications for	4	8
to be recorded in proper Register	57	15
to be signed by Registrar	57	15
to issue under seal of the Court	57	15
where it is sought to revoke	33	12
where already issued	18	10
See Administration. Probate.		
GUARDIANS OF INFANTS—		
accounts of	36	13
address of person with whom infant resides to be given	37	(3) 13
caveat against	35	12
place of abode of deceased parent, etc.	34	12
practice and procedure to conform as nearly as may be		
to the practice in the case of caveats against probate	35	12
upon application, proof to be given of time of death..	34	12
value of property	34	12
GUARDIANSHIP—		
absence of Consent by guardian or infant		56
accounts		57
application for	34	12
appointment by Court		56
appointment by mother		56
direction of Court in matters affecting infant		57
duties of Surrogate Clerks in respect to	63	15
letters of guardianship to have effect throughout		
Ontario		56
provisional appointment by mother		56
removal of guardians		57
resignation of guardians		57
returns by Registrar		57
security		56
what Surrogate Court may appoint guardians		57
when bond necessary		56
when infants consent necessary		56
HIGH COURT—		
practice and procedure of to be followed where no pro-		
vision made in Rules, etc.	68	16
ILLITERATE PERSONS—		
proof of execution of will	5	(2) 8
INSANE PERSONS, ABSENTEE, ETC.—		
notice to be given the committee	37	(4) 13
INFANTS—See Guardianship.		
Accounts		58
papers to lead Guardianship		55
when no security necessary by guardian		55
when sole executor, guardian to apply for probate . . .		48

	Rule	Page
INSPECTOR OF LEGAL OFFICES—		
to prescribe proper books	47	14
INSURANCE—		
on application for guardianship		55
when payable to beneficiaries under policy, not charge- able with fees		58
INTEREST—		
declaration of, in caveat	20	10
in estate, person having, may intervene.....	19	10
INTERLINEATIONS—		
alterations, erasures or obliterations	7	8
INTERVENTION—		
any person may intervene	19	10
copy of notice to be served upon applicant	19	10
notice of proceedings to be given person intervening..	19	(2) 10
INTESTACY—		
any person interested may apply for grant.....	32	12
INVENTORY—		
and accounts to be verified by affidavit	37	13
assets in, to be given in decimal currency		58
insurance moneys payable under policy not to be in- cluded in		58
leasehold property personal estate		58
Mortgages to be deducted		58
mortgage moneys to include interest		58
must shew whole property	38	13
when whole value of estate unknown		58
“JUDGE”—		
application to, for directions as to trial	27	11
may disallow Bond	16	(2) 10
may permit new Bond to be filed	16	(2) 10
may refer solicitor's bill for taxation	40	13
may direct further security to be furnished.....	18	10
may revoke or suspend operation of grant	18	10
order of to be signed	54	14
to determine amount of security in certain cases.....	17	10
to determine which application for grant shall prevail	4	8
to fix compensation upon passing accounts	39	13
to fix time and place for passing accounts	37	13
where two or more applications	4	8
JUDGMENT—		
issued under seal of Court	56	14
shall be signed by Registrar	56	14
to be entered in book kept for that purpose	56	14
JUSTIFICATION BY SURETIES	15	10
See Bond.		
LIST OF GRANTS—		
sent to Surrogate Clerk	61	15
Surrogate Clerk to extract and enter notes from	62	15
what to contain	61	15
MARKING WILL, when proved	6	8
MARKSMAN—		
illiterate person	5	(2) 8

	Rule	Page
MINORS—		
names and ages of	34	12
See Guardians of Infants		
place of abode of	34	12
NEWSPAPERS—		
publication of notice in	12	9
NOTICE—		
by party opposing will	19	10
judge may direct to be given next of kin.....	11	(2) 9
of application for grant where caveat filed	22	10
of grants to be transmitted to Surrogate Clerk.....	61	15
to party interested re Bond	16	10
where caveat filed	20	10
where there are no next of kin	12	9
NEXT OF KIN—		
judge may direct notice to be given	11	(2) 9
names of those having prior right must be shewn.....	11	9
where no known, Notice to Attorney General.....	12	9
where application made by person who is not.....		
See Sec. 38 of the Act.		
OATHS—		
all facts to be verified upon	2	3
OBLITERATIONS—		
See Alterations.		
OFFICE HOURS	46	14
"		47
OFFICIAL GUARDIAN—		
notice to be given to	37	(3) 13
ORDER—		
as to caveats	22	10
of Judge to be noted by Registrar.....	54	14
PENALTY—		
in Bond	15	10
See Bond.		
PERSONAL—		
estate	2	8
See Property		
PETITION—		
application to be by	1	8
particulars to be shewn in	2	8
PRIOR RIGHTS—		
names of those having must be shewn	11	9
PROBATE—		
ancillary, papers to lead grant		49
as evidence		63
papers to be signed by all applicants		48
papers to lead to grant		48
foreign		50
in Solemn Form	9	9
not to issue until seven days from death.....	3	8
registration of		48
resealing		49
soldiers' wills		60
where granted in foreign country	13	9
See "Application," "Will."		

	Rule	Page
PROOFS—		
shall be made in Solemn Form where will lost.....	9	(2) 9
to lead grant	5	8
PROPERTY—		
full particulars and appraisement of, to be exhibited with application on oath	2	8
separate value of personal and real	2	8
value of, to be shewn in petition	2	8
where value exceeds sum stated by applicant.....	17	10
QUEBEC GRANTS— procedure to get ancillary probate of		50
REGISTRARS—		
books to be kept by	47	14
communications to Surrogate Clerk to be registered..	48	14
duties et seq.	46	14
fees to	66	15
not to be surety on administration bond.....	15	(3) 10
office hours	46	14
office of, to be depository of wills of living persons..	42	13
shall apply to judge for directions	50	14
to endorse and file papers	51	14
to sign grants	57	15
to furnish certificate that no will has been deposited..	10	(2) 9
to send warning to persons entering caveat	26	11
to file order made upon passing accounts	41	13
to mark memorandum shewing date of will deposited	42	13
to take receipt for will	44	(2) 14
to properly number and endorse applications.....	51	14
to enter note of proceedings in book kept for that purpose	51	14
to enter and endorse all caveats	52	14
to endorse date of receipt of all papers	53	14
to enter every proceeding in proper books.....	53	14
to sign every judgment	56	14
to enter judgment in proper book	56	14
to enter every bond in proper book	59	15
to tax costs	60	15
REGISTRATION OF PROBATE		48
RENUNCIATION or consent	11	9
REPEAL—		
of Rules heretofore passed	67	16
RESEALING GRANTS—		
administration		54
probate		49
REVOCAATION—		
of grant to be noted by Registrar.....	58	15
order to bring in grant for	33	12
RULES OF SURROGATE COURT—		
as to forms	64	15
as to Table of Fees	67	16
authority of Judges under the Judicature Act, to make, page 4 as to practice not provided for	68	16
former rules repealed	67	16
Supreme Court Rules to govern in certain cases.....	68	16
SCOTCH GRANTS—		
procedure to get ancillary probate of		50
SEARCHES—		
by Registrar	10	(2) 9

	Rule	Page
SEARCH FOR WILL—		
certificate of	10	(2) 9
See Forms.		
in depositories	10	9
SEAL OF COURT—		
every Judgment issued under	56	14
on probate and administrations	57	15
SECURITY—		
by foreign executors		48
solicitors may not become, on bonds		10
SECURITY TO BE GIVEN—		
See Surrogate Courts Act, Secs. 23 and 62.		
by administrators, foreign executors, etc.	14	9
any person interested may require notice of	16	10
cases in which one surety sufficient	15	(2) 10
Registrar not to become	15	(3) 10
when other than Guarantee Company	15	10
where not sufficient	18	10
SHERIFF—		
shall attend trial of all contested matters.	65	15
SOLDIERS' WILLS—		
“actual military service”		59
proof of death		60
what wills may be probated		60
SOLEMN FORM—		
proof of will in	9	9
See “Will.”		
SOLICITORS AND COUNSEL—		
fees of Tariff “B”	66	(2) 15
SOLICITOR—		
address of, in caveat	23	11
application for Probate prepared by	1	8
judge may moderate charges of	40	13
not to be surety on administration bond	15	(3) 10
notice to be given to	20	10
STAMPS—		
fees to Crown payable in	49	14
SUBPCENA—		
may issue on Judge’s order	31	12
SUCCESSION DUTIES—		
property not liable to duty		93
rates of duty	94	and 95
Rules and regulations under Succession Duty Act		97
SURETIES	14	9
See Bond		
SURROGATE CLERK—		
communications to, to be by registered letter.	48	14
duties of, et seq.	62	15
list of grants transmitted to, what to contain	62	15
not to be surety on administration bond	15	(3) 10
to keep books	62	15
to transmit copy of caveat to Register	21	10
to transmit certificate to Registrar	50	14
to extract particulars of each grant	62	15
to note revocations	62	15
to file and endorse papers	62	15
to enter particulars of each grant	62	15

	Rule	Page
SURROGATE COURT—		
approximate amount of fees on application for grants		84
appointment of executors by		47
powers and jurisdiction		47
removal of executors by		47
revocation of grants by		47
SURROGATE COURTS ACT—		
references to Rules	11, 12, 13, 20, 21,	68
See Statutes.		
SURROGATE COURT RULES—		
all former rescinded	67	16
construction of, page 4		
time of operation	69	16
See Rules.		
TAXATION OF COSTS	60	15
See Costs.		
TARIFF OF FEES—		
See Fees.		
TIME		
for appearance	26	(2) 11
offices to be kept open	46	14
of caveat remaining in force	24	11
rules take effect	69	16
when Probate may issue	3	8
when Administration with will	3	8
TRIAL—		
directions for in contentious cases	27	11
TRUSTEES—		
delegation of powers during war		60
WILL—		
affidavit proving execution of, to be deposited	45	14
alterations, erasures, etc.	7	8
attempted cancellation of	8	9
case of absence of witnesses	5	8
execution of to be proved by one of the witnesses.....	5	8
guardian may be appointed under		55
its removal not permitted unless order of Judge.....	44	14
lost or destroyed	9	(2) 9
mark by testator	5	(2) 8
marked when sworn	6	8
may be deposited in Registry for safe keeping.....	42	13
proof in solemn form	9	9
removal of by testator	44	14
search for	10	9
shall be delivered to executor	44	(2) 14
soldiers' wills		59
suspicious circumstances	8	9
to be recorded in Register Book	57	15
where validity of disputed	28	11
where deposited for safe keeping by a person other than testator	43	13
witness to, need not endorse on application for probate		48
witnesses dead or unknown, proof of execution		48
WITNESSES—		
death of subscribing	5	8
execution of will proved by	5	8

INDEX TO FORMS.

	Page
Administration Bond	29
Administration Bond for Administration with Will annexed.....	29
Administration de bonis non petition	67
Advertisement by Guardian	74
Affidavit of Justification by Sureties.....	31
Affidavit of execution of Will.....	24
Affidavit of Plight and Condition	26
Affidavit of Justification by Sureties	42
Affidavit of Search for Will	25
Affidavit to accompany caveat	36
Affidavit in support of application for guardianship.....	41
Affidavit upon application for Probate	23
Affidavit of execution of Bond	30
Affidavit of handwriting	76
Affidavit of Intervention	39
Affidavit proving insertion of advertisement by guardian	74
Affidavit to lead order cancelling administration bond	76
Affidavit to lead order to bring in and pass accounts	77
Affidavit of service	82
Affidavit verifying accounts	44
Alien enemies, Order in Council re	92
Ancillary Administration—	
Advertisement in "Ontario Gazette"	72
Affidavit proving insertion of notice	73
Ancillary Letters	79
Combined affidavit	71
Inventory	70
Notice to advertisers in "Ontario Gazette"	73
Petition	69
Resealing endorsation	80
Ancillary Probate—	
Advertisement in "Ontario Gazette"	72
Affidavit proving insertion of advertisement	73
Ancillary Letters	79
Combined affidavit	69
Inventory	68
Notice to advertisers in "Ontario Gazette"	73
Petition	67
Resealing endorsation	80
Appearance	35
Application for Probate in common form by a Sole Executor.....	19
Application for grant of administration with the Will annexed in common form, where no Executors appointed.....	19
Application for grant where Executor has renounced Probate or Residuary Legatee has renounced Administration with Will annexed	19
Application for Grant of Administration	20
Application for Letters of Guardianship by one of the next of kin of infant children of a deceased widower.....	39
Appointment to pass accounts	45
Bond of Foreign executors	31
Bond to be given by Guardians	41
Caveat	36
Certificate of Registrar	28

	Page
Certificate by the Surrogate Clerk upon notice of application for Grant	22
Citation to accept or refuse administration	38
Citation to accept or refuse probate	38
Citation to bring in grant where revocation is sought	39
Citation to bring in a testamentary paper	37
Citation to parties concerned	34
Contestation of Claims—	
Notice contesting	75
Order by Judge fixing date of proof	75
Election by Minors of a Guardian	40
Exemplification of Probate or Letters of Administration with Will annexed	34
Fees—	
in contentious business	89
on contestation of a claim	88
on filing a caveat	88
on a subpoena	88
payable to Judge and Crown	85 and 86
Surrogate Court fees on application for grants	84
Surrogate Court fees on passing accounts	84 and 85
sample Surrogate Court fee sheet	87
Solicitors' fees on application for grants	84
Solicitors' fees under Succession Duty Act	84
Solicitors' fees on passing accounts	84
under Succession Duty Act	88
when estate consists of insurance moneys only	88
witness fees	90
Inventory of Real Estate	23
Inventory of Personal Estate	24
Intervention	39
Letters of Administration ad litem	81
Letters of Administration granted to Attorney General	80
Letters of Administration with Will annexed	32
Letters of Administration	33
Letters of Guardianship	43
Notice to be transmitted by Registrar of a Surrogate Court to the Surrogate Clerk of application made to such Court for a Grant of Probate to Executor	20
Notice to be transmitted by Registrar of a Surrogate Court to the Surrogate Clerk, for grant of administration with the will annexed where no executor appointed	21
Notice to be transmitted by Registrar of a Surrogate Court to the Surrogate Clerk, of application for grant where executor has renounced probate or residuary legatee has renounced administration with will annexed	21
Notice of application for grant of administration	22
Notice to be transmitted by the Registrar of a Surrogate Court to the Surrogate Clerk, of application for letters of guardianship	42
Nomination of Administrator	27
Notice to creditors	74
Order allowing grant in shorter time	78
Order cancelling administration bond	76
Order on motion for directions	35
Order on passing accounts	46
Oath of Administrator	27

	Page
Oath of Administrator with will	26
Oath of Executor	25
Oath for Guardian	40
Order pursuant to Surrogate Court Rule 27	78
Order to discontinue proceedings	78
Order to executors to bring in and pass accounts	77
Petition to pass accounts	43
Power of Attorney by Trustees	61
Power of Attorney by foreign administrators	71
Probate	32
Renunciation of probate or of administration with the will annexed	28
Renunciation of administration	28
Sterling exchange table	83
Succession Duty forms—	
Affidavit of debts	112
Affidavit of value and relationship, estates over \$5,000	99
Affidavit of value and relationship, estates under \$5,000	101
Bond by all parties	107
Bond by legatee, etc	109
Certificate by Registrar on registration of Will or exemplification	116
Order of Judge on valuation of estate	114
Warning to Caveat	37
Will form	81

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